

No. 33
STATE OF MICHIGAN
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REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, April 2, 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

Sister Nancy Marie Jamroz of the Felician Sisters of Livonia of Madonna University offered the following invocation:

Good and loving God, we lift our minds and hearts to You as we begin our new day. We thank You for our life, our loved ones, our homes, our neighbors, and the many gifts that are ours each moment.

We ask Your special blessing on all we are and all we have. Bless our cities, towns, and villages. Bless our state. In a special way, please bless our Governor and the men and women gathered in this assembly. Continue to give them Your wisdom and guidance as they work to serve the Michigan people, especially those most in need.

Bless our nation and its leaders, and help us all to realize that the gifts of this earth and the freedom and the rights we have are a legacy we wish to cherish, protect, and pass on to our children.

God, we lift up to You our world, especially those who are in any way suffering at this time. Our prayer for those involved in the war in Iraq and other small or large conflicts around our globe is that You protect them and bring them to calm. We ask You to make us instruments of hope and healing, and above all, in the words of St. Francis of Assisi, we ask that You make us Your instruments of peace:

“Where there is hatred, let us bring your love,
 Where there is injury, let us bring your pardon.
 Where there is doubt, let us bring your faith.
 Where there is despair, let us bring your hope.
 Where there is darkness, let us bring your light.
 Where there is sadness, let us bring your joy.
 O God, grant that we may not so much seek
 To be consoled as to console,
 To be understood as to understand,
 To be loved as to love.
 For it is in giving that we receive;
 It is in pardoning that we are pardoned,
 And it is in dying that we are born to eternal life.”
 Amen.

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

Motions and Communications

Senators Leland and Thomas entered the Senate Chamber.

Senator Basham asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Basham’s statement, in which Senators Toy and Patterson concurred, is as follows:

Senator Toy and I have a special presentation and an announcement here today. We have some guests in the balcony. We have Kevin Baracy, Janet, Ashlee, and Clemens Browsicks. Clemens Browsicks is a student from Germany living and going to school in the Wayne-Westland district, attending high school there. We also have Patricia Hermatz, Dennis Hermatz, and Marie Corte. Our special guest today, the reason that Senator Toy and I are here, is to announce that one of our own, Ashlee Baracy, has just been elected the Michigan Junior Miss. That’s certainly an honor not just for our Senate and House districts, but for the state of Michigan. I’d like to read a couple of words of the special tribute that was signed by Senator Toy, myself, Representative Anderson, Representative John Stewart, and also Governor Granholm. I’ll just read the last part of the tribute.

It says, “Whereas, The Wayne-Westland Junior Miss, this year alone, has received six awards from the State Program. This accomplishment has set high standards for other cities to follow. Among those awards are the Best Local Program in the State, the Program Booklet Award, the Scholastic Award, the Fitness Production Award, the Best Opening Number Award, and the Four Star Award. What an outstanding accomplishment! and

Whereas, Along with these prestigious awards, the Wayne-Westland Junior Miss program has also had four straight Michigan Junior Miss winners in six years and nine Michigan Junior Miss winners since the Program began in 1968. No other city in the State has had that many winners. May the next thirty-five years bring even more accomplishments to an outstanding program, and

In Special Tribute, Therefore, This document is signed and dedicated to commend and congratulate the Wayne-Westland Junior Miss Program. This program has become a distinct tribute to all young local women as each new Junior Miss steps forward as a symbol of a promising future. Congratulations!”

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

Senator Schauer moved that Senators Barcia and Clarke be temporarily excused from today's session.
The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Sikkema 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 10:13 a.m.

10:19 a.m.

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

During the recess, Senators Sikkema and Hardiman introduced to the Senate the Rockford Rams High School Boys Basketball Team, 2003 Class A State Champions, and cheerleaders.
Head Coach Steve Majerle responded briefly.

During the recess, Senators Garcia and Barcia entered the Senate Chamber.

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:

Member and Chairperson, State Board of Ethics

Mr. Lynn Jondahl, 4709 Woodcraft, Okemos, MI 48864, member, succeeding Mr. Robert A. Jarema, to a term of 4 years.

Member, Commission of Agriculture

Mr. James Byrum, 4933 Bellevue Road, Onondaga, MI 49264, county of Ingham, to a term commencing on February 11, 2003 and expiring December 31, 2006.

Michigan Commission on Law Enforcement Standards

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

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

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

February 19, 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 1:47 p.m. this date, administrative rule (03-02-02) for the Department of Environmental Quality, Environmental Assistance Division, entitled "*General Rules*," effective 7 days hereafter.

March 24, 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 1:50 p.m. this date, administrative rule (03-03-05) for the Department of Consumer and Industry Services, Director's Office, entitled "*Grinding, Polishing, and Buffing Ventilation Controls*," 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:
Office of the Auditor General

March 31, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Office of Racing Commissioner, Department of Agriculture, March 2003.

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

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 Tuesday, April 1:
House Bill Nos. 4197 4219

Messages from the Governor

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

Senate Bill No. 195

The motion prevailed.

Member and Chairperson, State Board of Ethics

Mr. Lynn Jondahl, 4709 Woodcraft, Okemos, MI 48864, member, succeeding Mr. Robert A. Jarema, to a term of 4 years.

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. 53

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

Member, Commission of Agriculture

Mr. James Byrum, 4933 Bellevue Road, Onondaga, MI 49264, county of Ingham, to a term commencing on February 11, 2003 and expiring December 31, 2006.

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. 54

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

Senators Brater, Goschka, Barcia and Brown asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brater's statement is as follows:

I rise today to support the appointment of James Byrum to the Commission of Agriculture. Jim Byrum has been a strong advocate for the interests of Michigan's agricultural businesses for many years and is a very qualified candidate for this position.

Jim served as the state executive director of the United States Department of Agriculture Farm Service Agency in the mid-1990s. In this role, he was responsible for delivering agricultural and conservation programs to Michigan landowners and farmers. Since 1995, Jim has served as the president and chief executive officer of the Michigan Agri-Business Association. He has worked closely with legislators and members of the Michigan Department of Agriculture, as well as Michigan State University and other agricultural organizations, to provide advice and guidance on issues, policy, and legislation important to his group's membership.

Jim has also been active in his community previously serving on the board of Lansing Community College. Currently, Jim serves as the chair of the board of the Michigan Future Farmers of America Foundation.

I hope my Senate colleagues will join me in supporting Governor Granholm's selection of James Byrum to serve on the Commission of Agriculture.

Senator Goschka's statement is as follows:

I also rise in very strong support of Jim Byrum to this position. I have known Jim over the years to be very bipartisan in his approach. I think that this is a man who truly knows agriculture, and I think that agriculture in Michigan can only win with the appointment of Jim Byrum to this position.

I strongly support him, and I am very encouraged that the Governor saw fit to appointment him to this appointment. Michigan wins.

Senator Barcia's statement is as follows:

I would like to also join my colleagues on Jim Byrum's appointment to the Michigan Commission of Agriculture. I would like to say that many of us here in the Michigan Senate who have worked with Jim over the years know him to be a tireless champion on behalf of agriculture. His views and his advocacy on behalf of American agriculture are widely recognized throughout the Midwest and in the halls of Congress. Certainly, he has been a tremendous leader on behalf of state issues affecting the profitability of agriculture here in Michigan.

So I would just like to join my colleagues in support of Jim Byrum's appointment. I think he will be a fine addition to the commission.

Senator Brown's statement is as follows:

Having worked with Mr. Bryum, it would be wrong to remain seated in silence, so I rise in support. This appointment of Mr. Byrum is fair. He's certainly bipartisan, helpful, and a gentleman. He will be a wonderful complement to the commission. So I do support this appointment and ask my colleagues to do the same.

Michigan Commission on Law Enforcement Standards

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

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. 55

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Cropsey's statement is as follows:

The Judiciary Committee had testimony and had interviewed Sheriff Wriggelsworth about one week ago. He came before us, and I've know him for several years. He has been 37 years in law enforcement, the last 15 years as sheriff of Ingham County. He has been a guest lecturer at Lansing Community College, Michigan State University, the Mid-Michigan Police Academy, Northwestern University, and New Mexico Law Enforcement Academy. He has also been the president of the Michigan Sheriffs' Association. He is well-respected in law enforcement circles. He is a man of tremendous knowledge. He is a man of sterling integrity. I am happy to say that I support the sheriff in this appointment.

Senator Bernero's statement is as follows:

I really appreciate the remarks of the chairman, who over the years has gotten to know Sheriff Wriggelsworth as I have. I, perhaps, have gotten to know him a little bit better because I served on the Ingham County Commission for eight years and had the opportunity to work with Sheriff Wriggelsworth when I chaired the Law and Courts Committee, and in a variety of other capacities. It is an honor to know Gene and to have worked with him. He is a professional, and he is well-respected, as the chairman said, in the law enforcement circles and very highly respected throughout Ingham County.

Of course, any of my colleagues, feel free to just ask your sheriff about Gene Wriggelsworth. As the chairman said, he is a former president of the sheriffs' association and really helps set the standard for what a law enforcement officer and what a sheriff should be. He is one of the most respected law enforcement officials in Michigan, a man of high integrity. Gene is somebody who really will not let us down and is an ideal candidate for the Michigan Commission on Law Enforcement Standards. This is a man who has certainly lived up to very high standards in his long career. I am very happy to support this appointment and urge my colleagues to support it as well.

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4139, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43536a (MCL 324.43536a), as added by 1996 PA 585.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 56**Yeas—37**

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4198, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82126 (MCL 324.82126), as amended by 1998 PA 30.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 57

Yeas—37

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

Nays—0

Excused—1

Clarke

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

Senator Clarke entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4079, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 20194 and 21799a (MCL 333.20194 and 333.21799a), section 20194 as added by 1993 PA 79.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 58**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

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils,

committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Clark-Coleman as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 157, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 375 (MCL 380.375), as added by 1999 PA 10.

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

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 4010, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2002 PA 280.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 3, line 19, after “government” by inserting a comma and “**including, but not limited to, an electric generating plant fueled by biomass**”.

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

Resolutions

Senators Patterson, Thomas, Sanborn, Cropsey, Sikkema, Kuipers, Johnson, Jelinek, Stamas, Bishop, Allen, Hardiman, Birkholz, Goschka, Toy, McManus, Gilbert, Garcia, Jacobs, Switalski, Cherry, Leland, Brater, Prusi, Bernero, Barcia, Hammerstrom and Brown offered the following resolution:

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.

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, which is causing similar devastation in Ontario and Ohio, threatens as many as a billion 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, 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, 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.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Olshove, Van Woerkom, Schauer and Clarke were named co-sponsors of the resolution.

Senator Schauer offered the following resolution:

Senate Resolution No. 50.

A resolution to memorialize the Congress of the United States to provide additional resources for state and local homeland security.

Whereas, With the new realities occasioned by the September 11th terrorist attacks and the prospect of further threats, it is clear to all Americans that our nation is truly facing a difficult challenge. Strategies for providing for the security and safety of our citizens and resources are being reshaped and reevaluated. The establishment of the federal Department of Homeland Security and similar offices at the state level is a most appropriate response to the dangers we face; and

Whereas, In our nation's efforts to protect our people at home, we cannot lose sight of the fact that the war on terror has several fronts. Among these, the immediate protections provided by local fire and police departments and public health facilities and personnel are critical components of homeland security. In most instances, these are the people who provide the first line of defense and response; and

Whereas, So far, federal funding for local homeland security efforts is woefully inadequate. In a state like Michigan, with its unique resources, characteristics, and location on the border and the Great Lakes, the security costs to local and state agencies are very high; and

Whereas, Congress is considering legislation that would directly address the need for increased federal resources for local and state homeland security work. One bill, S. 87, the Homeland Security Block Grant Act, would authorize the United States Secretary of Homeland Security to provide support where it is needed most. Another measure, S. 466, the First Responders Partnership Grant Act, would provide financial assistance to local and state governments responding to terrorism. Clearly, these types of approaches are badly needed by our states and local communities in the face of the threats before us; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide additional resources for state and local homeland security; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Switalski, Clark-Coleman, Jacobs, Olshove, Thomas, Goschka, Prusi, Bernero, Cherry, Leland, Brater, Scott and Clarke were named co-sponsors of the resolution.

Senators Thomas, Patterson, Kuipers, Jacobs, Switalski, Cherry, Bernero, Prusi, Barcia, Birkholz, Leland, Hammerstrom, Brown, Gilbert, Toy and Brater offered the following concurrent resolution:

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.

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, which is causing similar devastation in Ontario and Ohio, threatens as many as a billion 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, 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.

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 Clark-Coleman, Olshove, Van Woerkom, Goschka, Schauer, Scott and Clarke were named co-sponsors of the concurrent resolution.

Senator Schauer offered the following concurrent resolution:

Senate Concurrent Resolution No. 17.

A concurrent resolution to memorialize the Congress of the United States to provide additional resources for state and local homeland security.

Whereas, With the new realities occasioned by the September 11th terrorist attacks and the prospect of further threats, it is clear to all Americans that our nation is truly facing a difficult challenge. Strategies for providing for the security and safety of our citizens and resources are being reshaped and reevaluated. The establishment of the federal Department of Homeland Security and similar offices at the state level is a most appropriate response to the dangers we face; and

Whereas, In our nation's efforts to protect our people at home, we cannot lose sight of the fact that the war on terror has several fronts. Among these, the immediate protections provided by local fire and police departments and public health facilities and personnel are critical components of homeland security. In most instances, these are the people who provide the first line of defense and response; and

Whereas, So far, federal funding for local homeland security efforts is woefully inadequate. In a state like Michigan, with its unique resources, characteristics, and location on the border and the Great Lakes, the security costs to local and state agencies are very high; and

Whereas, Congress is considering legislation that would directly address the need for increased federal resources for local and state homeland security work. One bill, S. 87, the Homeland Security Block Grant Act, would authorize the United States Secretary of Homeland Security to provide support where it is needed most. Another measure, S. 466, the First Responders Partnership Grant Act, would provide financial assistance to local and state governments responding to terrorism. Clearly, these types of approaches are badly needed by our states and local communities in the face of the threats before us; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to provide additional resources for state and local homeland security; and be it further

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

Pending the order that, under rule 3.204, the 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 Local, Urban and State Affairs.

The motion prevailed.

Senators Switalski, Clark-Coleman, Jacobs, Olshove, Thomas, Goschka, Prusi, Bernero, Cherry, Leland, Brater, Scott and Clarke were named co-sponsors of the concurrent resolutions.

Introduction and Referral of Bills

Senator Jacobs introduced

Senate Bill No. 359, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 1101 (MCL 450.5101), as amended by 2002 PA 686.

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

Senator Barcia introduced

Senate Bill No. 360, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2002 PA 418.

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

Senator Barcia introduced

Senate Bill No. 361, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 4 and 7 (MCL 287.334 and 287.337), section 7 as amended by 1997 PA 7.

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

Senators Cassis, Toy, Goschka, Cropsy, Patterson, McManus, Switalski and Garcia introduced

Senate Bill No. 362, entitled

A bill to amend 1979 PA 72, entitled "An act to require the governor to report certain tax expenditure items with the annual budget message to the legislature," by amending the title and sections 1, 2, and 3 (MCL 21.271, 21.272, and 21.273), section 2 as amended by 1996 PA 32 and section 3 as amended by 1983 PA 7.

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

Senators Cassis, Toy, Goschka, Cropsy, Patterson, McManus, Switalski and Garcia introduced

Senate Bill No. 363, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 361 (MCL 18.1361).
The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Garcia, Kuipers, George, McManus, Jelinek, Johnson, Sikkema, Hammerstrom, Cropsy and Patterson introduced

Senate Bill No. 364, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2002 PA 476.

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

Senators Cassis, Kuipers, McManus, Gilbert, Garcia, Patterson, Cropsy, Hammerstrom, Sikkema and Brown introduced

Senate Bill No. 365, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 94a (MCL 388.1694a), as amended by 2002 PA 521.

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

Senators Cropsey and Kuipers introduced

Senate Bill No. 366, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1526 and 1526a (MCL 380.1526 and 380.1526a), section 1526 as amended by 1995 PA 289 and section 1526a as added by 1996 PA 159; and to repeal acts and parts of acts.

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

Senators Kuipers and Cropsey introduced

Senate Bill No. 367, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a and 32a (MCL 388.1631a and 388.1632a), as amended by 2002 PA 521; and to repeal acts and parts of acts.

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

Senators Johnson, Kuipers, Bishop, Allen, Hardiman, Gilbert, Garcia, Patterson, Cropsey, Hammerstrom and Sikkema introduced

Senate Bill No. 368, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1204a, 1277, 1277a, 1278, 1280a, and 1280b (MCL 380.1204a, 380.1277, 380.1277a, 380.1278, 380.1280a, and 380.1280b), section 1204a as amended by 1996 PA 159, section 1277 as amended by 1997 PA 179, sections 1277a and 1280a as added by 1993 PA 335, section 1278 as amended by 1995 PA 289, and section 1280b as added by 2000 PA 230; and to repeal acts and parts of acts.

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

Senators Hammerstrom, Kuipers, Hardiman, Gilbert, Patterson, Cropsey and Sikkema introduced

Senate Bill No. 369, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 19, 23, and 94 (MCL 388.1619, 388.1623, and 388.1694), section 19 as amended by 2002 PA 191, section 23 as amended by 1997 PA 93, and section 94 as amended by 2002 PA 521.

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

Senator Leland introduced

Senate Bill No. 370, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

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

House Bill No. 4197, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2000 PA 248.

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 Commerce and Labor.

House Bill No. 4219, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 3 (MCL 205.93), as amended by 2002 PA 669.

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 Finance.

Committee Reports

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

Member and Chairperson, State Board of Ethics

Mr. Lynn Jondahl, 4709 Woodcraft, Okemos, MI 48864, member, succeeding Mr. Robert A. Jarema, to a term of 4 years.

Member, Commission of Agriculture

Mr. James Byrum, 4933 Bellevue Road, Onondaga, MI 49264, county of Ingham, to a term commencing on February 11, 2003 and expiring December 31, 2006.

Michigan Commission on Law Enforcement Standards

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

Michigan Broadband Development Authority Board

James Walter Butler III, 1476 Stonegate Lane, East Lansing, MI 48823, county of Ingham, as member, to a term expiring at the pleasure of the Governor.

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

Kenneth R. Sikkema

Chairperson

To Report Out:

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

Nays: None

The appointments were placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, April 1, 2003, at 1:05 p.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 Joint Select Committee on Business Competitiveness submitted the following:

Meeting held on Monday, March 31, 2003, at 6:00 p.m., Teleconferencing Room, Eberhard Center, 301 W. Fulton, Grand Rapids

Present: Senators Sanborn (C) and Cassis

Excused: Senators Toy, Schauer and Basham

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

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

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

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

Present: Senators Garcia (C), McManus and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, April 1, 2003, at 3:00 p.m., Room 100, Farnum Building

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

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, April 3, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

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

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

Family Independence Agency - Thursday, April 3, 2:00 p.m., Room 810, Farnum Building (373-1801)

General Government - Tuesday, April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

Judiciary and Corrections - Tuesday, April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesday, April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesdays, April 8, April 15, and April 22, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, April 3, 2:00 p.m., Room 210, Farnum Building (373-6920)

Local, Urban and State Affairs - Thursday, April 3, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:04 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, April 3, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate