

**No. 52**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Thursday, May 29, 2003.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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—excused  
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

Reverend Clif Burritt of Boon Baptist Church and Michigan State Police Chaplin of Cadillac offered the following invocation:

Our Father and our God, we are so grateful for this day You have made, for the opportunity that we have to gather together to celebrate Your goodness to us. We thank You for how You have provided for our needs. We are grateful to You for the people of this state, for the opportunity we have to serve them, and for the privilege it is to be a part of this great work.

Lord, I pray that You would be with each one of these great Senators in a very special way today. Give them wisdom and guidance. Help them, Father, to make decisions that would be for the benefit of the citizens of this great state. We thank You, Lord, for our President, the Congress, the Senate, and for each person who is a great part of this nation. We ask, Lord, Your blessing, and we thank You, Father, that we live in such a wonderful place. We thank You for our country. We thank You for the freedom that we enjoy.

We pray, Father, that You would bless throughout this day, for we will be careful to give You the praise. In Jesus Christ, who came to this earth to redeem us with thanksgiving, we pray. Amen.

The Assistant President pro tempore, Senator Sanborn, led the members of the Senate in recital of the *Pledge of Allegiance*.

### Motions and Communications

Senators Bernero and Thomas entered the Senate Chamber.

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

Senator Schauer moved that Senator Clark-Coleman be excused from today's session.  
The motion prevailed.

Senator Emerson entered the Senate Chamber.

The following communication was received:  
Office of the Auditor General

May 27, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Office of Field Services, Department of Education, May 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 Wednesday, May 28:  
**House Bill Nos. 4232 4326 4502**

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, May 28:  
**Senate Bill Nos. 519 520**  
**House Bill Nos. 4751 4752 4753 4754 4755 4756 4757 4758 4759 4760 4761 4762 4763 4764**

By unanimous consent the Senate proceeded to the order of  
**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 Assistant President pro tempore, Senator Sanborn, designated Senator Hardiman as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**Senate Bill No. 434, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8727, 8729, 8731, 8733, 8735, 8827, 8829, and 8835 (MCL 600.8727, 600.8729, 600.8731, 600.8733, 600.8735, 600.8827, 600.8829, and 600.8835), sections 8727, 8729, 8731, and 8733 as added by 1994 PA 12 and sections 8735, 8827, 8829, and 8835 as added by 1995 PA 54.

**Senate Bill No. 440, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 185.

**Senate Bill No. 441, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 175.

**Senate Bill No. 443, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 29 of chapter XIIA (MCL 712A.29), as added by 1993 PA 344.

**Senate Bill No. 445, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2001 PA 87.

**Senate Bill No. 446, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 2001 PA 91.

**Senate Bill No. 447, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 2001 PA 89.

**Senate Bill No. 448, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 3 of chapter XI (MCL 771.3), as amended by 1998 PA 520.

**Senate Bill No. 449, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XV (MCL 775.22), as added by 1993 PA 343.

**Senate Bill No. 450, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

**Senate Bill No. 451, entitled**

A bill to amend 1988 PA 260, entitled "Community dispute resolution act," by amending section 10 (MCL 691.1560), as amended by 1993 PA 286.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 206, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16323a and part 168.

Substitute (S-2).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 19, after the first "audiologist," by inserting "audioprosthologist";
  2. Amend page 4, line 19, after the second "audiologist" by striking out the comma and "or any" and inserting a period and "Any".
  3. Amend page 4, line 20, after "audiology" by inserting "shall not be used by an individual not regulated by this article".
- The Senate agreed to the substitute, as amended, recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 433, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e and 907 (MCL 257.629e and 257.907), section 629e as amended by 2001 PA 213 and section 907 as amended by 2002 PA 534.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 435, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8381 (MCL 600.8381), as amended by 1996 PA 374.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 436, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1j to chapter IX.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 437, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18 of chapter XIIIA (MCL 712A.18), as amended by 2000 PA 55, and by adding section 18m to chapter XIIIA.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 438, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, and sections 2529 and 8371 as amended by 2002 PA 605, and by adding section 171.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:  
**Senate Bill No. 439, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 181.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted 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:

**Senate Bill No. 442, entitled**

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 16a, 44a, and 81 (MCL 780.766a, 780.794a, and 780.831), sections 16a and 44a as added by 2000 PA 503 and section 81 as amended by 1996 PA 562.

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

1. Amend page 5, line 13, by striking out all of section 81 and inserting:

"Sec. 76a. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section.

(2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) **Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.**

(b) ~~(a)~~ Payment of costs.

(c) ~~(b)~~ Payment of fines.

(d) ~~(c)~~ Payment of probation or parole supervision fees.

(e) ~~(d)~~ Payment of assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

(a) **Payment of the minimum state cost prescribed by section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.**

(b) ~~(a)~~ Payment of fines and costs.

(c) ~~(b)~~ Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim, to the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905."

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.

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

**Senate Bill No. 444, entitled**

A bill to amend 1994 PA 35, entitled "The forensic laboratory funding act," by amending sections 5 and 6 (MCL 12.205 and 12.206), section 6 as amended by 1998 PA 98.

Substitute (S-1).

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

### Resolutions

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

**Senate Resolution No. 96**

**Senate Resolution No. 97**

The resolution consent calendar was adopted.

Senator Bernero offered the following resolution:

**Senate Resolution No. 96.**

A resolution honoring the 20th Anniversary of the Michigan Council for Maternal and Child Health.

Whereas, It is a privilege to acknowledge and celebrate that this year marks the 20th Anniversary of the Michigan Council for Maternal and Child Health. This organization was formed in 1983 to promote maternal and child health and collaborate with other organizations to promote family well-being. The Michigan Council for Maternal and Child Health is a coalition of diverse partners including professional associations, hospitals concerned primarily with women and children, as well as patient advocacy groups dealing with maternal and child health. Together, they provide leadership that will ultimately result in every family, mother, and child having fully supported access to resources which promote, protect, and preserve their health; and

Whereas, The principles of the council have generated much interest among individuals, organizations, and lawmakers. It recognizes that assuring the health of each woman, child, and family is the key component to the future quality of life in Michigan. The Michigan Council for Maternal and Child Health also believes that early and sustained health promotion, prevention, and early intervention strategies to assure family health is effective policy. Its efforts to advocate for public policy have truly benefited women, children, and families throughout Michigan and will continue to influence the future of health care. The council's sustaining and general membership has increased extensively as people have identified with its vision; and

Whereas, For twenty years, the Michigan Council for Maternal and Child Health has proven its ability to work with other organizations with similar goals regarding the health of babies, children, and their mothers. They work together to ensure that comprehensive, coordinated health care services are available to all families. The council has successfully increased awareness of the importance of prenatal care. By educating lawmakers on issues related to maternal and child health, the Michigan Council for Maternal and Child Health has significantly enhanced health care for women and children; and

Whereas, The Michigan Council for Maternal and Child Health has played a pivotal role in the improvement of health care in Michigan. We wish to express our genuine appreciation to the members of the board and the council. Our gratefulness extends to:

Children's Hospital of Michigan  
 C.S. Mott Children's Hospital and Women's Birthing Center  
 Helen DeVos Women and Children's Center at Spectrum Health System  
 Henry Ford Maternal and Child Health Program  
 March of Dimes Birth Defects Association  
 Michigan Association for Infant Mental Health  
 Michigan Chapter, American Academy of Pediatrics  
 Michigan Healthy Mothers, Healthy Babies Coalition  
 Michigan Section, American College of Obstetricians and Gynecologists  
 Mott Children's Health Center  
 Perinatal Association of Michigan  
 School Community Health Alliance of Michigan  
 William Beaumont Hospital  
 Blue Cross Blue Shield of Michigan  
 Comprehensive School Health Coordinators Association of Michigan  
 Inter-Tribal Council of Michigan

; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 20th Anniversary of the Michigan Council for Maternal and Child Health and commend the board members for their tremendous contributions on behalf of mothers and children throughout the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to each of the board members as a symbol of our sincere gratitude.

Senators Bishop, Brater, Cassis, Cherry, Clarke, Cropsey, Goschka, Jacobs, Leland, Schauer, Scott and Switalski were named co-sponsors of the resolution.

Senator Thomas offered the following resolution:

**Senate Resolution No. 97.**

A resolution honoring the 125th Anniversary of Saints Peter and Paul Church.

Whereas, On June 29, 1844, the first brick for Detroit's first Catholic church was laid and dedicated to Bishop Peter Paul Lefebvre. The church was completed in 1848; and

Whereas, Saints Peter and Paul Church has been open since June 29, 1848, making it the oldest church building in continuous use to this day in Detroit.

Whereas, On June 1, 1877, Bishop Caspar Borgess negotiated with the Society of Jesuits to come to Detroit to start the first Catholic college in Detroit. This building that the college used is still in use today as one of the buildings for the University of Detroit-Mercy College of Law; and

Whereas, The college was opened on September 3, 1877, and Saints Peter and Paul served as the "college church"; and

Whereas, The church building has undergone major renovations since 1892, which included the installation of electricity, central heating, and an addition to the present number of pews; and

Whereas, In 1971, there was a push to use the church as a library for the law school, which started an enormous legal battle along with a public push to keep it as a place of worship. This continued until 1976 when the Jesuits province decided to keep Saints Peter and Paul as a parish; and

Whereas, Today, the church is used by the archbishops of Detroit for ecumenical services. It is a popular place for weddings and has continued to serve as a place of worship for Catholics throughout the city of Detroit and Michigan; and

Whereas, We join with Saints Peter and Paul Church and the state of Michigan in celebrating the church's 125th Anniversary on June 25, 2003; now, therefore, be it

Resolved by the Senate, That this legislative body encourage individuals to join in celebrating with the parish of Saints Peter and Paul Church during the church's anniversary; and be it further

Resolved, That a copy of this resolution be transmitted to the parish of Saints Peter and Paul Church in Detroit.

Senators Allen, Bernero, Bishop, Brater, Cassis, Cherry, Clarke, Cropsey, Goschka, Jacobs, Leland, Schauer, Scott and Switalski were named co-sponsors of the resolution.

### Introduction and Referral of Bills

Senator Leland introduced

**Senate Bill No. 526, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 819 (MCL 257.819), as amended by 1990 PA 168, and by adding section 819a.

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

Senator Thomas introduced

**Senate Bill No. 527, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406r.

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

Senator Garcia introduced

**Senate Bill No. 528, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2155.

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

Senators Garcia, Leland and Thomas introduced

**Senate Bill No. 529, entitled**

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 11 (MCL 432.11), as amended by 1996 PA 167, and by adding section 24.

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

Senators Sanborn, Garcia, Gilbert, Basham, Olshove, Allen, Hardiman, Kuipers, Goschka, Patterson, Bishop, Switalski, Toy, Leland, Stamas, Sikkema, Hammerstrom, Cropsey and Schauer introduced

**Senate Bill No. 530, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 86.

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

Senators Cassis, Toy, Jacobs, McManus, Garcia and Birkholz introduced

**Senate Bill No. 531, entitled**

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

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

**House Bill No. 4232, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2002 PA 725.

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. 4326, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 55 and 59 (MCL 24.255 and 24.259), as amended by 1999 PA 262.

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 Local, Urban and State Affairs.

**House Bill No. 4502, entitled**

A bill to amend 1981 PA 230, entitled "Michigan economic and social opportunity act of 1981," by amending the title and sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 (MCL 400.1103, 400.1104, 400.1105, 400.1106, 400.1107, 400.1108, 400.1109, 400.1110, and 400.1111), section 11 as amended by 1998 PA 76; 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 Commerce and Labor.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Hammerstrom moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**House Bill No. 4257**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4257, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30305, 30306, 30312, 32501, 32512, and 32513 (MCL 324.30301, 324.30305, 324.30306, 324.30312, 324.32501, 324.32512, and 324.32513), sections 30301, 30312, 32501, and 32512 as added by 1995 PA 59, section 30305 as amended by 1996 PA 550, section 30306 as amended by 1998 PA 228, and section 32513 as amended by 1999 PA 106, and by adding sections 32512a and 32516.

The question being on the passage of the bill,

Senator Brater offered the following substitute:

Substitute (S-8).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 143**

**Yeas—13**

Basham  
Bernero  
Brater  
Cherry

Clarke  
Emerson  
Jacobs

Leland  
Olshove  
Prusi

Schauer  
Scott  
Thomas

**Nays—24**

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jelinek	Sikkema
Birkholz	George	Johnson	Stamas
Bishop	Gilbert	Kuipers	Switalski
Brown	Goschka	McManus	Toy
Cassisi	Hammerstrom	Patterson	Van Woerkom

**Excused—1**

Clark-Coleman

**Not Voting—0**

In The Chair: Sanborn

Senator Brater offered the following amendment:

1. Amend page 19, line 26, after **“number,”** by inserting **“the width in feet of the shoreline frontage, the width of the area proposed for removal of vegetation,”**.

The amendment was adopted, 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 11:00 a.m.

11:05 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

Senator Barcia offered the following amendments:

1. Amend page 1, following line 1, by inserting:

**“(a) “Beach” means the area landward of the shoreline of the Great Lakes as the term shoreline is defined in section 32301.”** and relettering the remaining subdivisions.

2. Amend page 11, following line 22, by inserting:

**“(a) “Beach” means the area landward of the shoreline of the Great Lakes as the term shoreline is defined in section 32301.”** and relettering the remaining subdivisions.

3. Amend page 18, line 18, after **“director”** by striking out **“shall”** and inserting **“may”**.

4. Amend page 18, line 20, after **“impairment,”** by striking out **“and”** and inserting **“or”**.

5. Amend page 19, line 9, after **“(b)”** by striking out **“Except as provided in subdivision (c), the”** and inserting **“The”**.

6. Amend page 19, line 12, after **“greater”** by inserting a comma and **“or a wider area if approved by the director”**.

7. Amend page 19, line 13, by striking out all of subdivision (c) and relettering the remaining subdivision.

8. Amend page 20, line 14, after **“evaluation”** by inserting a comma and **“if appropriate”**.

9. Amend page 20, line 15, by striking out all of subsection (5).

The amendments were adopted, a majority of the members serving voting therefor.

Senators Birkholz and Barcia offered the following amendments:

1. Amend page 18, line 25, after “**confirming**” by striking out “**all**” and inserting “**at least 3**”.

2. Amend page 18, line 26, by striking out all of subparagraph (i) and inserting:

“(i) **The area is unconsolidated material predominately composed of sand, rock, or pebbles, or is predominately vegetated by non-native or invasive species.**

“(i) **The area met the requirement of subparagraph (i) as of January 1, 1997.**” and renumbering the remaining subparagraphs.

The amendments were adopted, a majority of the members serving voting therefor.

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. 144**

**Yeas—37**

Allen	Clarke	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**

Clark-Coleman

**Not Voting—0**

In The Chair: Sanborn

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

The motion prevailed.

Senator Birkholz’s statement is as follows:

You have in front of you for final passage a bill that has been worked on diligently by members of this august body from both sides of the aisle. I kid you not when I say hundreds and hundreds of hours working with members and

working with people from Save Our Shores, who have worked very hard on this issue—actually for several years—with members from the Department of Environmental Quality, who have also committed their time and efforts in making this happen.

I urge your support of this legislation in front of you. It not only will help many individual property owners this year, but it will also help several commercial ventures who are looking for an increase in tourism in Michigan, as we all are too. I urge your adoption of this legislation in front of you.

By unanimous consent the Senate proceeded to the order of

### Statements

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

The motion prevailed.

Senator Leland's statement is as follows:

I would just like to say that this truly was a good day in the Michigan Senate. It was a day of love. We had bipartisan support. We got House Bill No. 4257 accomplished in a bipartisan fashion.

I also had a very good conversation with my chairman of the Transportation Committee. I had a problem with his bill, Senate Bill No. 509. I asked if he would hold that bill over until we had some further dialog, and he agreed to do so. I hope we have many, many more days in the next three and one-half years like this one in the State Senate.

### Committee Reports

The Committee on Commerce and Labor reported

#### 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.

With the recommendation that the bill pass.

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

Jason Allen  
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, May 27, 2003, at 3:00 p.m., Room 100, Farnum Building

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

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, May 27, 2003, at 12:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators McManus (C), Jelinek, Barcia and Cherry

Excused: Senator Johnson

### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, May 27, 2003, at 2:00 p.m., Room 100, Farnum Building

Present: Senators Hardiman (C), Sanborn, Jacobs and Clark-Coleman

Excused: Senator Hammerstrom

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on Judiciary and Corrections submitted the following:  
Meeting held on Tuesday, May 27, 2003, at 3:00 p.m., Room 210, Farnum Building  
Present: Senators Cropsey (C), Brown, Garcia, Switalski and Prusi

**Scheduled Meetings****Appropriations -****Subcommittees -**

**Community Colleges** - Wednesday, June 4, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Environmental Quality Department** - Wednesday, June 4, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Friday, May 30, 10:00 a.m., Alma College, Tyler-Van Dusen Student Center, Jones Auditorium, 614 West Superior Street, Alma; and Wednesday, June 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

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

**K-12, School Aid, Education** - Thursday, June 5, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Natural Resources Department** - Tuesday, June 3, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Banking and Financial Institutions** - Thursday, June 5, 12:00 noon, Room 100, Farnum Building (373-2417)

**Business Competitiveness Joint Select Committee (SCR 3)** - Monday, June 9, 10:30 a.m., City Council Chambers, 147 Wabash, Milan (373-7670)

**Commerce and Labor** - Wednesday, June 4, 2:00 p.m., Room 405, Capitol Building (373-2413)

**Families and Human Services** - Thursday, June 5, 8:30 a.m., Room 210, Farnum Building (373-1801)

**Government Operations** - Tuesday, June 3, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-0797)

**Health Policy** - Wednesday, June 4, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:23 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, June 3, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate