

No. 23
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Tuesday, March 11, 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—excused
Toy—present
Van Woerkom—present

Pastor Judy Egeler of Leland Community United Methodist Church of Leland offered the following invocation:
 “Almighty God, we offer thanks to you this chilly day.

For all the blessings you have given in a hundred different ways.

We thank you for the longer days as the time of spring draws near.

It won’t be long ’til Easter comes and flower buds appear.

We thank you for the snow and wind. We had them both last week.

We thank you for the sunshine too, whose warm, bright rays we seek.

We thank you, God, for all the seasons; for all the things you do.

Each thing of beauty on this earth reflects a part of you.”

—Judy Egeler

Master Architect of the Universe, be with all of us today. The Senators gathered here are facing tremendous problems and need Your wisdom and strength. We are nearing a very real prospect of war. Guide our President and others in positions of leadership as they choose the path for us to travel. Work through them to protect the innocent as much as possible, safeguard our military personnel, comfort and sustain their families, and show us the way to help bring peace on earth. Grant understanding to the leaders of other countries that they may become our strongest allies. Free us from hate that might consume us.

The economy is in trouble, and here in this chamber, Your people must wrestle with budget shortfalls, declining employment, skyrocketing health care costs, underfunded schools, disadvantaged children, and an aging population. These are heavy crosses to bear, and we implore Your intercession to bring compromise, hope, and solutions. We know, Lord, it won’t happen overnight, but we ask You to walk with us so we may follow, to lead so we may learn, and to instruct so we may teach. We are vulnerable and need You to be the light unto our paths.

We rejoice that You are a presence in our lives that we may turn to. Help us see humor in the mundane, the joy in small pleasures, and the thrill of accomplishments. Let us be sympathetic to those who suffer and empathetic to those who also walk in our shoes. Guide us in the way You would have us go. Remind us to be grateful for Your blessings and thankful for Your being. We ask all this with humble hearts and eager minds in Your name, O God. Amen.

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

Motions and Communications

Senator Schauer moved that Senator Thomas be excused from today’s session.

The motion prevailed.

Senator Hammerstrom moved that the following bill, now on the order of General Orders, be referred to the Committee on Government Operations:

Senate Bill No. 200, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” (MCL 431.301 to 431.336) by adding section 307a.

The motion prevailed.

The following communication was received:

Department of State

Administrative Rules

Notice of Filing

February 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 1:08 p.m. this date, administrative rule (03-02-04) for the Department of Consumer and Industry Services, Bureau of Workers’ and Unemployment Compensation, entitled “*Workers’ Compensation Health Care Services Rules*,” effective 7 days hereafter.

Sincerely,
 Terri Lynn Land
 Secretary of State
 Elena L. Beasley, Manager
 Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received:
 Department of Environmental Quality

February 28, 2003

I am pleased to enclose with this letter the annual report regarding brownfield plans and work plans submitted to the Department of Environmental Quality (DEQ) pursuant to the reporting requirements of Section 15(12) of the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended. The report summarizes information provided by local Brownfield Redevelopment Authorities from January 1, 2002 through December 31, 2002.

The Act 381 program continues to be an important factor in promoting redevelopment of Michigan's brownfield sites. If you have any questions regarding this or any other aspects of our cleanup and redevelopment program, please contact Mr. Jim Sygo, Chief, Remediation and Redevelopment Division, at 517-335-1104, or you may contact me.

Sincerely,
 Steven E. Chester
 Director
 517-373-7917

The communication was referred to the Secretary for record.

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

March 3, 2003

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

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2003C0212024	CS460200931
Special Investigation Report	Sequoyah Center	2003C0212026	CS470201401

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

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

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Thursday, March 6, of:

Senate Bill No. 258
Senate Joint Resolution C

The Secretary announced the printing and placement in the members' files on Friday, March 7, of:

Senate Bill Nos. 259 260 261 262 263 264 265 266 267 268 269 270 271 272
273 274 275 276 277 278 279 280 281 282 283 284 285 286
287 288

Third Reading of Bills

The following bill was announced:

House Bill No. 4206, entitled

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

(This bill was passed on March 6 and the committee recommendation for immediate effect postponed. See Senate Journal No. 22, p. 238.)

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

The Senate agreed to the title of the bill.

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 Birkholz 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. 218, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 506, 511, 611, and 798 (MCL 450.1506, 450.1511, 450.1611, and 450.1798), sections 506 and 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, and section 798 as added by 1988 PA 58.

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 a substitute therefor, the following bill:

Senate Bill No. 123, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

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. 27

Senate Resolution No. 28

The resolution consent calendar was adopted.

Senator Patterson offered the following resolution:

Senate Resolution No. 27.

A resolution recognizing March 2003 as National Nutrition Month.

Whereas, It is most appropriate to join with the members of the American Dietetic Association in recognizing March 2003 as National Nutrition Month. National Nutrition Week was first initiated in 1973. It became a month long observance in 1980. This worthwhile commemoration provides all Michigan residents and the entire nation with an opportunity to rededicate themselves to the highest standards of nutritional excellence; and

Whereas, The American Dietetic Association is the world's largest organization of food and nutrition professionals with nearly 70,000 members. It has been at the forefront of efforts to promote wise and sensible nutritional standards that promote good health; and

Whereas, The Michigan Dietetic Association is an affiliate member of the American Dietetic Association (ADA) and has been serving Michigan since 1929. It currently has 2,000 members. The ADA's affiliates include all 50 states plus Puerto Rico, Washington, D.C., and an overseas dietetic association as well; and

Whereas, National Nutrition Month encourages Michigan residents to make informed food choices and develop sound eating and physical activity habits. In addition, National Nutrition Month provides the American Dietetic Association and its members the opportunity to remind the public and the media that they are the most valuable and credible source of timely, scientifically-based food and nutrition information; now, therefore, be it

Resolved by the Senate, That we hereby recognize March 2003 as National Nutrition Month; and be it further

Resolved, That a copy of the resolution be transmitted to the American Dietetic Association as a token of our esteem. Senators Cherry, Cassis, Toy, Basham, Hardiman, Brater, Van Woerkom, Schauer, Cropsey, Jelinek, Goschka, Garcia, Bishop, Jacobs and Switalski were named co-sponsors of the resolution.

Senators Toy, Birkholz, Hammerstrom and Bernero offered the following resolution:

Senate Resolution No. 28.

A resolution recognizing March 2003 as Professional Social Work Month and honoring Michigan members of the National Association of Social Workers.

Whereas, The National Association of Social Workers is the largest membership organization of professional social workers in the world, with nearly 150,000 members; and

Whereas, Social workers help people to overcome life's most difficult challenges, such as poverty, discrimination, abuse, addiction, physical illness, divorce, loss, unemployment, educational problems, disability, and mental illness; and

Whereas, Professional social workers are found in every facet of community life, in schools, hospitals, mental health clinics, senior centers, elected office, private practices, prisons, the military, corporations, and in numerous public and private agencies that serve the needs of individuals and families; and

Whereas, Professional social workers are the nation's largest group of mental health service providers; and

Whereas, The demand for the services offered by social workers is especially vast in this time of great international and domestic uncertainty, peril, and economic difficulty; now, therefore, be it

Resolved by the Senate, That we hereby recognize the month of March 2003 as Professional Social Work Month; and be it further

Resolved, That we congratulate the Michigan members of the National Association of Social Workers and commend them for the valuable role that they play in providing for the mental and physical health and well-being of the residents of the great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Chapter of the National Association of Social Workers.

Senators Cherry, Cassis, Basham, Hardiman, Brater, Van Woerkom, Schauer, Cropsey, Brown, Jelinek, Goschka, Garcia, Bishop, Jacobs and Switalski were named co-sponsors of the resolution.

House Concurrent Resolution No. 5.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Introduction and Referral of Bills

Senators Birkholz, Toy, Patterson, Cassis, Sikkema, Goschka, Van Woerkom, Johnson, Barcia, McManus, Hammerstrom and Allen introduced

Senate Bill No. 289, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 328.

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

Senators Bernero, Basham, Olshove, Schauer, Clark-Coleman, Goschka, Jelinek, Jacobs, Prusi, Brater, Cherry, Patterson, Garcia, Thomas and Leland introduced

Senate Bill No. 290, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

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

Senators Cropsey, Prusi, McManus, Leland, Allen, Goschka and Birkholz introduced

Senate Bill No. 291, 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 Toy and Patterson introduced

Senate Bill No. 292, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8420 (MCL 600.8420), as amended by 1993 PA 189.

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

Committee Reports

The Committee on Finance reported

Senate Bill No. 129, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1211, 1211d, and 1211e (MCL 380.1211, 380.1211d, and 380.1211e), section 1211 as amended and section 1211e as added by 1994 PA 258 and section 1211d as amended by 1996 PA 69.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 130, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2001 PA 217.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 131, entitled

A bill to amend 1993 PA 330, entitled "State real estate transfer tax act," by amending section 6 (MCL 207.526), as amended by 2000 PA 203.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 132, entitled

A bill to amend 2002 PA 27, entitled "An act to establish procedures for municipalities to designate individual lots or structures as blighting; to purchase or condemn blighting property; to transfer blighting property for development; and to repeal acts and parts of acts," by amending section 2 (MCL 125.2802).

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 133, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7u, 7cc, 7dd, 24c, 27d, and 120 (MCL 211.7u, 211.7cc, 211.7dd, 211.24c, 211.27d, and 211.120), sections 7u and 24c as amended by 2002 PA 620, section 7cc as amended by 2002 PA 624, section 7dd as amended and section 27d as added by 1996 PA 476, and section 120 as added by 1995 PA 74.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 134, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 20 (MCL 388.1620), as amended by 2002 PA 521.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 135, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2000 PA 13.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

The Committee on Finance reported

Senate Bill No. 136, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 35, 37, 43, and 62a (MCL 205.735, 205.737, 205.743, and 205.762a), section 35 as amended by 2000 PA 165, section 37 as amended by 1996 PA 505, and section 43 as amended and section 62a as added by 1994 PA 254.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus, Thomas and Brater

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 5, 2003, at 1:07 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 5, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building
Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, March 6, 2003, at 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, March 13, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations - Wednesday, March 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture - Thursdays, March 13, March 20, March 27, April 3, and April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

Family Independence Agency - Tuesday, March 18, 2:00 p.m., Room 424, Capitol Building; Thursdays, March 20 and March 27, and Tuesday, April 1, 2:00 p.m., Room 810, Farnum Building; and Wednesday, April 2, 2:00 p.m., Senate Hearing Room, Boji Tower (formerly Michigan National Tower) (373-1801)

General Government - Tuesdays, March 18, 2:00 p.m.; March 25, April 1, and April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesday, March 18, 12:00 noon, Room 100, Farnum Building (373-0793)

Judiciary and Corrections - Tuesdays, March 18, March 25, April 1, and April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesdays, March 18, March 25, April 1, and April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesdays, March 18, March 25, April 1, April 8, April 15, and April 22, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, March 13, 1:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, March 12, 1:00 p.m., Room 110, Farnum Building (373-1758)

Health Policy - Wednesday, March 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Local, Urban and State Affairs - Thursday, March 13, 1:00 p.m., Room 110, Farnum Building (373-1707)

Senior Citizens and Veterans Affairs - Wednesday, March 12, 1:00 p.m., Room 100, Farnum Building (373-1707)

Technology and Energy - Wednesday, March 12, 3:00 p.m., Room 210, Farnum Building (373-7350) (CANCELED)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:17 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Wednesday, March 12, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate