

No. 83
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, October 9, 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—excused
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—excused
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

Pastor Nathaniel Moody of Brown Hutchison Church of Grand Rapids offered the following invocation:

O gracious Father God in Heaven, we bow our heads before the canopy of Heaven giving You thanks for this day—thanking You, Lord, for everyone who is involved in this Senate. I ask You, Father, that Your will be done in our lives. We thank You for the country in which we live and the countries abroad, Father, the things that are taking place throughout the world, for Thou art God of the universe. We ask for Your peace to prevail in our hearts.

We pray, Father, for whatever is on the agenda today, that this Senate will get through with it and accomplish its goals according to Your will.

Give us peace. In Christ Jesus' name we pray this day. Amen.

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

Motions and Communications

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 57

Senate Bill No. 98

Senate Bill No. 497

Senate Bill No. 498

Senate Bill No. 499

Senate Bill No. 500

Senate Bill No. 502

Senate Bill No. 505

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 715

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

The following communication was received:

Office of the Secretary of the Senate

October 8, 2003

Please note that the Secretary of State assigned Public Act No. 179 to Senate Bill No. 393 at 1:10 p.m. on October 3, 2003.

Carol Morey Viventi

Secretary of the Senate

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, October 8:

House Bill Nos. 4386 4916 5106

The Secretary announced that the following bills and joint resolution were available at the legislative Web site on Wednesday, October 8:

Senate Bill Nos. 758 759 760 761

Senate Joint Resolution E

House Bill Nos. 5129 5130 5131 5132 5133 5134 5135 5136 5137 5138 5139 5140 5141 5142

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 President, Lieutenant Governor Cherry, designated Senator Garcia as Chairperson.

Recess

Senator Hammerstrom moved that the Committee of the Whole recess subject to the call of the Chairperson.

The motion prevailed, the time being 10:29 a.m.

11:46 a.m.

The Committee of the Whole was called to order by the Chairperson, Senator Garcia.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having assumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 57, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526 and 11549 (MCL 324.11526 and 324.11549) and by adding sections 11526a and 11526b.

Substitute (S-3).

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. 98, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11513a.

Substitute (S-3).

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. 497, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

Substitute (S-2).

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. 498, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514) and by adding section 11514a.

Substitute (S-6).

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. 499, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526, 11533, 11538, and 11550 (MCL 324.11526, 324.11533, 324.11538, and 324.11550), section 11550 as added by 1996 PA 358.

Substitute (S-2).

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. 500, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546).

Substitute (S-2).

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. 502, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11513a.

Substitute (S-3).

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. 505, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

Substitute (S-4).

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.

During the Committee of the Whole, Senator Bernero entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

House Bill No. 4601

Senate Bill No. 710

The motion prevailed.

The President, Lieutenant Governor Cherry, resumed the Chair.

Senator Schauer moved that Senators Emerson and Leland be temporarily excused from the balance of today’s session.
The motion prevailed.

Senator Schauer moved that Senator Barcia be excused from today’s session.
The motion prevailed.

The following bill was read a third time:

House Bill No. 4601, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 552 (MCL 168.552), as amended by 1999 PA 220.

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. 456

Yeas—34

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

Nays—0

Excused—4

Barcia

Clarke

Emerson

Leland

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 reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act.”.

The Senate agreed to the full title.

Senator Leland entered the Senate Chamber.

The following bill was read a third time:

Senate Bill No. 710, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 20 of chapter XII (MCL 712.20), as added by 2000 PA 235.

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. 457**Yeas—35**

Allen	Clark-Coleman	Jelinek	Schauer
Basham	Cropsey	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	Jacobs	Sanborn	

Nays—0**Excused—3**

Barcia

Clarke

Emerson

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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 President, Lieutenant Governor Cherry, designated Senator Garcia 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 with a substitute therefor, the following bill:

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511a.

Substitute (S-2).

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. 715, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11533 and 11538 (MCL 324.11533 and 324.11538).

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. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

Substitute (S-7).

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

1. Amend page 2, line 25, after "state." by inserting "**The report shall also include and incorporate a consideration by the department of type II landfill capacity and expansion currently provided for in the county solid waste management plan in which a substantial investment has already been made. The department shall make recommendations for any landfill expansion in part based on such consideration.**"

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.

During the Committee of the Whole, Senator Emerson entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

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

The motion prevailed.

Senator Emerson's statement is as follows:

Melissa Yutzey-Bourke has worked for me for the past four years. She has done a terrific job as administrative assistant to me and working with my constituents—basically taking care of many of the needs of our caucus. We believe she will serve Western Michigan University just as well as she has served us. We wish her well in her new endeavor. I know she is going to do a great job. I appreciate everything she has done for me and our caucus over the past several years.

Melissa, we wish you well on your new job at Western Michigan University. I have a special tribute from Senator Schauer and myself.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage at the head of the Third Reading of Bills calendar:

Senate Bill No. 57

Senate Bill No. 98

- Senate Bill No. 497**
- Senate Bill No. 498**
- Senate Bill No. 499**
- Senate Bill No. 500**
- Senate Bill No. 502**
- Senate Bill No. 505**
- Senate Bill No. 506**
- Senate Bill No. 557**
- Senate Bill No. 715**

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

The following bill was read a third time:

Senate Bill No. 57, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526c.

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. 458

Yeas—36

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

Nays—0

Excused—2

Barcia	Clarke
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 98, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526a.

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. 459**Yeas—36**

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

Nays—0**Excused—2**

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Brater's statement is as follows:

Mr. President and colleagues, I am very happy to be here working with the entire Senate today to pass a great package of bills for Michigan's environment. I am very glad that this issue of solid waste management reform in Michigan is finally being addressed—after a number of us have been working on it for a number of years. As I said earlier, the bipartisan effort to put forward this package of bills was to address the concerns of Michigan citizens that we protect Michigan land and water for purposes of recreations and residency and to keep to the minimum amount of space we are devoting to landfilling solid waste.

This particular legislation is the so-called Michigan standard legislation which would say that no waste would be accepted in Michigan's landfills unless it meets the standards of Michigan landfills and does not contain any items that are now prohibited from our landfills, including motor oil, car batteries, yard waste, and all the items that I referred to earlier.

I am also pleased that we have a Governor who has expressed support for this package of bills and who is willing to sign this legislation. That is a very exciting combination of factors. I am very hopeful that as we, in the Senate, move these bills out of this chamber today that they will receive a favorable hearing in the House, so that we can get them to the Governor's desk for speedy signing into law.

The purpose of these bills is, as I said, to protect Michigan's environment. It is very difficult to site a landfill in Michigan without hitting an aquifer when you dig down. The entire state of Michigan is so covered with groundwater. That is one of our assets of our state, that we all have wonderful water, and we want to protect it. It is very difficult to build a landfill that will never leak, despite all the precautions we take to put liners in. Landfills will eventually leak, so the purpose of this legislation is to protect the Michigan environment because those aquifers could leak—eventually will reach our lakes and streams, including our Great Lakes. So this is another piece of the effort of the Senate to protect the Great Lakes and the Michigan environment.

So I am pleased that we are able to move forward on these bills, and I ask for your support of this legislation.

The following bill was read a third time:

Senate Bill No. 497, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

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. 460

Yeas—36

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

Nays—0

Excused—2

Barcia	Clarke
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 498, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11514 and 11521 (MCL 324.11514 and 324.11521).

The question being on the passage of the bill,

Senator Patterson offered the following amendment:

1. Amend page 2, following line 12, by inserting:

“(e) **Political yard signs or yard signs advocating an issue.**”.

The amendment was not adopted, a majority of the members serving not 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. 461

Yeas—36

Allen	Clark-Coleman	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott

Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Barcia Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 499, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11526 (MCL 324.11526).

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. 462

Yeas—35

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

Nays—1

Kuipers

Excused—2

Barcia Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 500, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11546 and 11549 (MCL 324.11546 and 324.11549).

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. 463**Yeas—34**

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

Nays—2

Cropsey	Kuipers
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Excused—2

Barcia	Clarke
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 502, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526b.

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. 464**Yeas—36**

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

Nays—0**Excused—2**

Barcia	Clarke
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 505, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11527a.

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. 465**Yeas—35**

Allen	Clark-Coleman	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	Jacobs	Sanborn	

Nays—1

Cropsey

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11511a; and to repeal acts and parts of acts.

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. 466**Yeas—33**

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

Nays—3

Cropsey

Prusi

Switalski

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Switalski’s statement is as follows:

We have a good package of bills that a vast majority of the members have supported today, but I ask members to

give close attention to this bill. This bill is different in nature. I appreciate the noble intentions of this bill, but it suffers from the law of unintended consequences. Now reform a dozen years ago was to require counties to identify ten and really push them toward 30 years of capacity. But now we're enacting a moratorium and discouraging the siting of landfills.

We're violating a basic law of economics. If government limits the supply, the price will rise. That higher cost will be paid by local governments and their taxpayers. This is not a good time to raise costs for locals, especially when we are about to cut their revenue sharing again.

Let me remind you of what happened in the state of New York when it was lacking capacity a few years ago. Its traveling barges of garbage toured the Great Lakes for weeks seeking a place to dump.

The rest of this package of bills is good. This particular bill needs to be reworked.

Senator Patterson's statement is as follows:

To my good friend and colleagues, this is a very important bill. There is not an unintended consequence. He's absolutely right; it does have an impact on supply and demand.

Michigan has always been proactive with regard to the handling of out-of-state and internal trash and waste. This continues to be proactive. We received testimony from the DEQ, and they indicated that there was capacity in every county pursuant to statute of at least ten years and rolling out to 40 or 50 years according to their study. Their report to us, which was commissioned and requested by our Governor, was there is capacity.

This places a moratorium. It doesn't prevent somebody from continuing to work the processes and be well positioned so that at the end of the moratorium, a decision can be made to add to our landfill capacity or subtract from it. I would consider it an honor if all of my colleagues would act proactively and make sure that we are doing the responsible thing in imposing a two-year moratorium on new landfills.

The bill goes on to provide that it prohibits landfill expansion if those expansions result in new capacity. The bill also requires that the DEQ report to the Legislature on capacity so that we can continue to be proactive. If an emergency occurs, there can be a lifting of the moratorium. This indeed will foster regional cooperation in order to better conserve our natural resources. I would encourage all members to support this.

The following bill was read a third time:

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as amended by 2003 PA 153.

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. 467

Yeas—36

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

Nays—0

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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:

With the completion of these next two bills, we will have done what the people of Michigan have been asking us to do. With a series of three public hearings last spring throughout this state, several hearings in committee for the last few weeks, and a lot of independent meetings between all the interest groups, we have worked hard to bring this package of bills on solid waste before you today. Our challenge has been to establish a solid waste management plan which fully protects our Michigan citizens from public health threats and from environmental threats. We also wanted to encourage recycling and show our strong recycling ethic in Michigan and protect our environment. But we had a challenge not to discriminate against the interstate commerce clause. This package of bills accomplishes those goals.

We give the DEQ director the ability to assess health and natural resources threats before him in waste shipments and to restrict those shipments if there is a real public health threat or a real environmental threat. The DEQ director also will have the ability to look at other states' landfill bans and make sure that they are equal to Michigan bans to give our citizens a sense of solidity and safety, knowing that what we're taking into our landfills meet our requirements also. We allow, lastly, the waste hauler to go through a transfer station if there's a concern about meeting our standards.

In our final bill was, as Senator Patterson just addressed, the ability to establish a moratorium on any new landfills for two years and allow us to assess as a state where we are and where we want to be in the future with this issue.

This has been a set of bipartisan bills. I'd like to thank all my colleagues who've worked so hard with us on them, particularly majority vice chair, Senator Patterson, and minority vice chair, Senator Brater, who have worked diligently to help us do what the people of Michigan have been asking us to do.

The following bill was read a third time:

Senate Bill No. 715, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11533 and 11538 (MCL 324.11533 and 324.11538).

The question being on the passage of the bill,

Senator Brown offered the following amendment:

1. Amend page 5, line 5, after the first "**and**" by inserting "**may contain**".

The amendment was 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. 468**Yeas—35**

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

Nays—1

Kuipers

Excused—2

Barcia

Clarke

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Resolutions

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

Senate Resolution No. 141

The motion prevailed.

Senator Hammerstrom moved that the rules be suspended and that the following resolutions, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 4**Senate Resolution No. 12****Senate Resolution No. 167**

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

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

Senate Resolution No. 169

The resolution consent calendar was adopted.

Senators Toy, Johnson, Bernero, Leland, Gilbert, Stamas, Switalski, Garcia, Brown, Basham, Cropsey, Olshove, George, Van Woerkom, Thomas, Barcia, Jelinek, Sanborn, Schauer and Allen offered the following resolution:

Senate Resolution No. 169.

A resolution recognizing October 12-18, 2003, as International Credit Union Week in Michigan and October 16, 2003, as International Credit Union Day.

Whereas, The vitality and stability of Michigan's economy is important to ensure continued business growth, expanded employment opportunities, and improved financial security for the people of this state; and

Whereas, Credit unions were created as cooperative, not-for-profit financial institutions committed to the economic improvement of their membership; and

Whereas, The state of Michigan is home to 438 credit unions with a membership in excess of 4.4 million members, which represent over 40 percent of the state's population; and

Whereas, The credit union movement continues to provide its 4.4 million Michigan members access to affordable, reliable financial services, as well as the opportunity to be a member-owner, not just a customer; and

Whereas, Credit union professionals, staff, and volunteers are active and committed to the communities in which they serve. The credit union mission of "people helping people" is and will continue to be the foundation of their success; and

Whereas, During the week of October 12-18, 2003, credit unions throughout the world will be celebrating the competent financial services provided in a democratic, cooperative manner to citizens of both our Great Lakes state and the world; now, therefore, be it

Resolved by the Senate, That we hereby proclaim October 12-18, 2003, as International Credit Union Week in Michigan and October 16, 2003, as International Credit Union Day. We encourage all citizens to recognize the many contributions credit unions have made to the communities in this state, both tangible and intangible, through the years, and we honor and express appreciation for the service and commitment of Michigan's credit unions; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Credit Union League as a reflection of our esteem.

Senators Birkholz, Bishop, Brater, Cassis, Cherry, Clark-Coleman, Kuipers, Prusi and Scott were named co-sponsors of the resolution.

Senators Sikkema, Jelinek, Hardiman, Brown, Cropsey, Switalski, Scott and Clark-Coleman offered the following concurrent resolution:

Senate Concurrent Resolution No. 36.

A concurrent resolution to create a family resource center curriculum joint study committee to make recommendations on adult education and related family services in Michigan.

Whereas, In our swiftly changing society, the role of education continues to grow in significance for our citizens, economy, and society. The challenges of education extend far beyond the traditional school setting to include the work of adult education, job training, and programs to help parents and children before the standard school years begin; and

Whereas, Adult education and activities to help families become more effective partners in the education process are very complicated issues. These key areas of education include not only the standard school curriculum, but also such diverse elements as English as a second language, early childhood development, G.E.D. preparation, employment training and work readiness classes, family services that include before- and after-school care, and parenting classes; and

Whereas, It is important that people with experience in each of these fields come together to help shape more responsive public policies. The Michigan Legislature's commitment to this concept is clearly outlined in section 107a of the State School Aid Act of 1979, being MCL § 388.1707a; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we establish the family resource center curriculum joint study committee. The joint committee shall be comprised of the following membership:

—three members of the Senate, with two appointed by the Senate Majority Leader and one appointed by the Senate Minority Leader;

—three members of the House of Representatives, with two appointed by the Speaker of the House and one appointed by the House Minority Leader;

—one member of the Michigan Association of Community and Adult Education appointed by that organization;

—one member of the Michigan Works! Association appointed by that organization;

—three local adult education program directors appointed jointly by the legislators appointed to the family resource center curriculum study committee;

—three local Michigan Works! program directors appointed jointly by the legislators appointed to the family resource center curriculum study committee; and

—the state director of adult education.

The family resource center curriculum joint study committee shall explore and make recommendations on implementing a new integrated system of delivery of adult education and related family services, beginning with the 2004-2005 school year. The joint committee shall address education issues that include high school completion programs, adult basic education, general education development (G.E.D.) test preparation, English as a second language programs, and early childhood education; family services that include even start programs, 21st century learning center grants, before- and after-school child care programs, parenting classes, and referrals for family and child services; and employment and training services that include career preparation programs and work readiness classes; and be it further

Resolved, That the family resource center curriculum joint study committee shall report on its progress to the Senate and the House Appropriations Subcommittees on School Aid not later than November 15, 2003, and shall make its final recommendations to these subcommittees not later than December 31, 2003; and be it further

Resolved, That the joint committee is hereby authorized to expend a maximum amount of \$10,000 in carrying out its duties and such additional expenditures deemed necessary and approved by the Senate Majority Leader and the Speaker of the House. Payments for contractual services may be authorized by the Senate Majority Leader and the Speaker of the House.

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 concurrent resolution was adopted.

Senators Birkholz, Bishop, Cassis, Kuipers, Toy and Van Woerkom were named co-sponsors of the concurrent resolution.

Senate Resolution No. 4.

A resolution to memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senator Cropsey was named co-sponsor of the resolution.

Senate Resolution No. 12.

A resolution to memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the transboundary hazardous waste agreement with Canada.

The question being on the adoption of the following committee substitute:

Substitute (S-2).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senators Schauer, Switalski and Cropsey were named co-sponsors of the resolution.

Senate Resolution No. 167.

A resolution to express the sense of the Michigan Senate that local and state governments should play larger roles in solid waste management decisions to protect public health and the environment and to memorialize the Congress of the United States to extend this authority to the states.

The question being on the adoption of the resolution,

The resolution was adopted.

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 is as follows:

I am very happy to be a part of this strong bipartisan package on solid waste management. The parties involved have worked very hard to produce these bills. These bills will help us to protect Michigan's public health and environment. This resolution's emphasis on solid waste management is most effective when done on a local level—here program implementation is conducted. I've seen this firsthand working with constituents in my district. This package of bills will help decrease our waste stream and offer disposal alternatives to the citizens of Michigan.

I urge your support of this package.

Senators Brown, Allen, Kuipers, Stamas, Jelinek and McManus offered the following resolution:

Senate Resolution No. 170.

A resolution honoring the Village of Constantine.

Whereas, The Village of Constantine is known far and wide as a leader in the production of seed corn; and

Whereas, Constantine is home to two of the largest seed corn producers in the world—Monsanto and Pioneer. These companies have dedicated their support to Constantine's efforts to be named the Seed Corn Capital of the World; and

Whereas, A large part of Constantine's local economy is derived from the production of seed corn; and

Whereas, Seed corn production provides a number of jobs for the citizens of Constantine and the surrounding areas; and

Whereas, The Constantine seed corn production facilities play a large role in distributing seed corn worldwide; and

Whereas, The research and development efforts of the Constantine seed corn producers yield innovative and environmentally-friendly growing methods; and

Whereas, The collective contributions of Constantine seed corn producers benefit the southwest Michigan area and the world; now, therefore, be it

Resolved by the Senate, That the Village of Constantine be hereby known as the Seed Corn Capital of the World; and be it further

Resolved, That a copy of this resolution be transmitted to the Village of Constantine as a token of our esteem.

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 Birkholz, Bishop, Brater, Cassis, Cherry, Cropsey, Prusi, Schauer, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Patterson, Stamas and Barcia offered the following resolution:

Senate Resolution No. 171.

A resolution to memorialize the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal.

Whereas, State-owned land in Michigan amounts to approximately 12 percent of the acreage, and the federal government manages another 8 percent of Michigan's surface area. This large percentage of state and federal land ownership is especially significant in the situations in which ownership of mineral rights is not consistent with the ownership of the surface rights; and

Whereas, The degree to which the rights to minerals do not align with rights to the surface of the land is cause for considerable litigation and frustration in Michigan. This frustration is felt by citizen groups, energy companies, local units of government, and all consumers of gas and oil; and

Whereas, The state of Michigan has jurisdiction over both mineral and surface rights on 3.8 million acres of land and mineral rights alone on another 2.1 million acres. Maps showing ownership of property in Michigan reflect a crazy quilt of ownership. The common situation of surface land ownership differing from ownership of the mineral rights below presents many problems to our state. This nonalignment of ownership makes it difficult to protect land from development and difficult to develop to extract the energy that our society needs. Instead, expensive and minimally productive litigation can be the result; and

Whereas, It would be far more productive for the state and federal governments to work together to do all possible to minimize conflicts in ownership between surface rights and mineral rights; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States, the Department of Interior, the Bureau of Land Management, the National Forest Service, and the Department of Energy to work with Michigan officials to exchange property to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal; 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, the members of the Michigan congressional delegation, the Bureau of Land Management, the Department of Interior, the National Forest Service, and the Department of Energy.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

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

Senators Stamas, Patterson and Barcia offered the following concurrent resolution:

Senate Concurrent Resolution No. 35.

A concurrent resolution to memorialize the Congress of the United States and the federal government to work with Michigan officials to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal.

Whereas, State-owned land in Michigan amounts to approximately 12 percent of the acreage, and the federal government manages another 8 percent of Michigan's surface area. This large percentage of state and federal land ownership is especially significant in the situations in which ownership of mineral rights is not consistent with the ownership of the surface rights; and

Whereas, The degree to which the rights to minerals do not align with rights to the surface of the land is cause for considerable litigation and frustration in Michigan. This frustration is felt by citizen groups, energy companies, local units of government, and all consumers of gas and oil; and

Whereas, The state of Michigan has jurisdiction over both mineral and surface rights on 3.8 million acres of land and mineral rights alone on another 2.1 million acres. Maps showing ownership of property in Michigan reflect a crazy quilt of ownership. The common situation of surface land ownership differing from ownership of the mineral rights below presents many problems to our state. This nonalignment of ownership makes it difficult to protect land from development and difficult to develop to extract the energy that our society needs. Instead, expensive and minimally productive litigation can be the result; and

Whereas, It would be far more productive for the state and federal governments to work together to do all possible to minimize conflicts in ownership between surface rights and mineral rights; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That we memorialize the Congress of the United States, the Department of Interior, the Bureau of Land Management, the National Forest Service, and the Department of Energy to work with Michigan officials to exchange property to align the ownership of mineral rights and surface rights on state and federal lands in Michigan and to express our intent to take actions to achieve this goal; 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, the members of the Michigan congressional delegation, the Bureau of Land Management, the Department of Interior, the National Forest Service, and the Department of Energy.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

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

Introduction and Referral of Bills

Senators Patterson, Sanborn, Barcia, Garcia and Allen introduced

Senate Bill No. 767, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

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

Senators Leland, Thomas, Brater and Clark-Coleman introduced

Senate Bill No. 768, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of

certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2003 PA 151.

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

Senator Johnson introduced

Senate Bill No. 769, entitled

A bill to make and supplement appropriations for the department of labor and economic growth and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senators Cropsey, Cassis, Bishop and McManus introduced

Senate Bill No. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a.

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

Senator Emerson introduced

Senate Bill No. 771, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 21 (MCL 141.1221), as amended by 2002 PA 408.

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. 4386, entitled

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2004; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

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

House Bill No. 4916, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

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

House Bill No. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501, 2504, and 2505 (MCL 339.2501, 339.2504, and 339.2505), section 2501 as amended by 1994 PA 333, section 2504 as amended by 2002 PA 611, and section 2505 as amended by 1988 PA 463.

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.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 57, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526 and 11549 (MCL 324.11526 and 324.11549) and by adding sections 11526a and 11526b.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 98, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11513a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 497, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11502 (MCL 324.11502), as amended by 1996 PA 359.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 498, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514) and by adding section 11514a.

With the recommendation that the substitute (S-6) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 499, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526, 11533, 11538, and 11550 (MCL 324.11526, 324.11533, 324.11538, and 324.11550), section 11550 as added by 1996 PA 358.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 500, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11546 (MCL 324.11546).

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 502, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11513a.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 505, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 506, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11507a (MCL 324.11507a), as added by 1996 PA 359, and by adding section 11513a.

With the recommendation that the substitute (S-7) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 557, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511a.

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 715, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11533 and 11538 (MCL 324.11533 and 324.11538).

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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 4.

A resolution to memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste.

(For text of resolution, see Senate Journal No. 3, p. 52.)

With the recommendation that the following substitute (S-2) be adopted and that the resolution then be adopted:

A resolution to memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste.

Whereas, In 1992, the United States Supreme Court, in Fort Gratiot Sanitary Landfill v. Michigan Department of Natural Resources, ruled that states could not regulate or ban the importation of solid waste because only Congress has the authority to regulate interstate commerce. Since that time, Michigan has become the dumping ground for increasing amounts of solid waste from outside of our state and, with large amounts of trash from Canada, from outside the country; and

Whereas, Michigan has become one of the largest recipients of imported solid waste in the country. Approximately 15 percent of all trash dumped in landfills in Michigan now originates elsewhere. The amounts have increased significantly in the past several years, and recent reports of a major contract with Ontario and of the closing of the nation's largest landfill in New York seem to indicate this situation will only become a bigger issue in the future; and

Whereas, Several measures have been considered in Congress to address the issue of extending authority to states to regulate or ban out-of-state solid waste, including H.R. 1730; and

Whereas, Accepting unlimited volumes of trash from outside our state is a serious long-term commitment. Long after the money from the contract has been spent, there is a threat to the environment and an obligation to monitor sites to

protect water and health. Clearly, any state accepting these long-term risks should be able to regulate what comes across state lines for disposal; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste; 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.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 12.

A resolution to memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the transboundary hazardous waste agreement with Canada.

(For text of resolution, see Senate Journal No. 12, p. 131.)

With the recommendation that the following substitute (S-2) be adopted and that the resolution then be adopted:

A resolution to memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the transboundary hazardous waste agreement with Canada.

Whereas, Michigan has long been frustrated in efforts to regulate solid waste imported into our state. Our state is especially concerned about waste that is brought here from Ontario. Our citizens feel strongly that our environment should not be placed at additional risk from municipal solid waste and other materials that are generated elsewhere and transported here for disposal; and

Whereas, The volume of waste that comes into Michigan each year represents a significant portion of all trash handled here. As much as 20 percent of all solid waste in Michigan is from out of state, and the amount has increased significantly in recent years; and

Whereas, Congress has authority for regulating the transportation and disposal of solid waste between states and nations by virtue of the United States Constitution's interstate commerce clause. To protect the health, safety, and welfare of our environment and citizens, Congress must take action to provide states with the express means to regulate or prohibit the importation of trash. Congress has before it now a bill that would provide the appropriate authority to the states. Under H.R. 382, which has been introduced by Michigan's Congressman Rogers, states could prohibit or impose certain limitations on the receipt of foreign municipal solid waste; and

Whereas, Congress is also considering H.R. 411, which would direct the Administrator of the EPA to carry out duties under the agreement with Canada on the transboundary movement of hazardous waste; and

Whereas, Hazardous waste and solid waste transported between Canada and the United States are provided for in the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste. It has been reported, however, that the notification requirements and procedures set forth in the agreement have not been followed. It is most disturbing to think that the protections provided in the agreement between our nations are not working. The people of this state have every right to know that all prudent measures are being enforced to protect our citizens and environment; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to authorize states to prohibit or restrict foreign municipal solid waste and to urge the Environmental Protection Agency to ensure full compliance with the Agreement Between the Government of Canada and the Government of the United States Concerning the Transboundary Movement of Hazardous Waste; 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, the members of the Michigan congressional delegation, and the Environmental Protection Agency.

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported
Senate Resolution No. 167.

A resolution to express the sense of the Michigan Senate that local and state governments should play larger roles in solid waste management decisions to protect public health and the environment and to memorialize the Congress of the United States to extend this authority to the states.

(For text of resolution, see Senate Journal No. 80, p. 1738.)

With the recommendation that the resolution be adopted.

Patricia L. Birkholz
 Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom, Brater and Basham

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, October 7, 2003, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Judiciary reported

House Bill No. 4360, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 1, 3, 5, 6, and 7 (MCL 722.671, 722.673, 722.675, 722.676, and 722.677), sections 3, 5, 6, and 7 as amended by 1999 PA 33.

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.

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5037, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 512 (MCL 38.2512), as added by 2002 PA 675.

With the recommendation that the bill pass.

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

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 658, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80134a.

With the recommendation that the following amendments be adopted and that the bill then pass:

1. Amend page 2, following line 4, by inserting:

“(4) As used in this section, “serious impairment of a body function” means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c”.

2. Amend page 2, following line 4, by inserting:

“Enacting section 1. This amendatory act takes effect January 31, 2004.”.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported

Senate Bill No. 659, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13g of chapter XVII (MCL 777.13g), as added by 2002 PA 30.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 4, following line 15, by inserting:

“Enacting section 1. This amendatory act takes effect January 31, 2004.” and renumbering the remaining enacting section.

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, October 7, 2003, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

The Committee on Finance reported

House Bill No. 4211, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 30 (MCL 211.30), as amended by 2000 PA 210.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 718, entitled

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending section 15 (MCL 125.2665), as amended by 2002 PA 727.

With the recommendation that the bill pass.

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

Nancy Cassis
Chairperson

To Report Out:

Yeas: Senators Cassis, Garcia, McManus and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, October 8, 2003, at 1:12 p.m., Room 110, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Tuesday, September 30, 2003, at 3:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), George, Hardiman, Prusi and Scott

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, October 2, 2003, at 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Prusi, Clarke and Cherry

Excused: Senators Cropsy, Goschka and Hardiman

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

Commerce, Labor and Economic Development and Commerce and Labor - Tuesday, October 14, 3:00 p.m. or later immediately following Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Environmental Quality Department - Wednesday, October 15, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Natural Resources Department - Thursday, October 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Banking and Financial Institutions - Thursday, October 16, 12:00 noon or later immediately following session, Room 100, Farnum Building (373-2417)

Commerce and Labor and Commerce, Labor and Economic Development Appropriations Subcommittee - Tuesday, October 14, 3:00 p.m. or later immediately following Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Finance - Monday, October 13, 10:00 a.m., DeVos Center, Room 138, Grand Valley State University, 401 W. Fulton Street, Grand Rapids (373-1758)

Local, Urban and State Affairs - Thursday, October 16, 1:00 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Tuesday, October 14, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, October 15, 1:00 p.m., Room 100, Farnum Building (373-1707)

Transportation - Tuesday, October 14, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:52 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, October 14, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

