

No. 49  
STATE OF MICHIGAN  
**Journal of the Senate**  
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REGULAR SESSION OF 2003

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Senate Chamber, Lansing, Thursday, May 22, 2003.

10:00 a.m.

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

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present  
Barcia—present  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—present  
George—present  
Gilbert—present  
Goschka—present  
Hammerstrom—present  
Hardiman—present  
Jacobs—present  
Jelinek—present  
Johnson—present  
Kuipers—present  
Leland—present  
McManus—present

Olshove—present  
Patterson—present  
Prusi—present  
Sanborn—present  
Schauer—present  
Scott—present  
Sikkema—present  
Stamas—present  
Switalski—present  
Thomas—present  
Toy—present  
Van Woerkom—present

Pastor Scott Hagen of First Assembly of God of Grand Rapids offered the following invocation:

Precious Lord, we know that wisdom is the gift that You are so ready to impart to give to any leader who sincerely asks. Lord, today whether we are facing issues that are mundane or scaling incredibly difficult mountains; Lord, whether we are looking at the unmovable rock; Lord, whatever it may be, we ask for Your wisdom.

So, Lord, today we choose to turn the wide end of the funnel up toward Heaven, not the narrow end. We ask with a whole heart that we could capture everything and be filled with everything that You promise to give those leaders who would sincerely ask. We ask for that wisdom this morning. We pray that we would be a permission given to society, giving people permission to pursue the good, the permission to celebrate virtue, and the permission to invest in the lives of young people. We also ask this morning for wisdom in all of the dealings, Lord, of those You called to serve in government, that they would deal again a severe blow to any injustice which robs the potential of people.

Lord, Your Word says that an abundant food is in the fallow ground of the poor, but it is swept away by injustice. Grant wisdom to the leaders in this house today, that there may be a place to provide laws and may provide an atmosphere in the state of Michigan for people to pursue the good; that we might have a true sense of belonging in the state of Michigan, that we might enjoy the privilege of becoming.

Lord, finally, we ask today that You would bless the veterans who are represented here today, Lord, as we begin this Memorial Day weekend. We ask as well for the protection upon this great land of America. We know that our President has placed our nation and our city on high alert. Lord, we pray to the highest power, You Lord, that You would protect this land, this city, its young, and its elderly from any attack. Lord, we ask today that Michigan would become an incredible state of grace.

In Your precious and magnificent name Jesus. Amen.

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

### Motions and Communications

The following communication was received and read:  
Office of the Senate Majority Leader

May 21, 2003

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committee on House Bill 4032:

Senator Ken Sikkema  
Senator Shirley Johnson  
Senator Michael Prusi

Respectfully yours,  
Ken Sikkema  
Senate Majority Leader

The communication was referred to the Secretary for record.

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

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Garcia admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:08 a.m.

11:11 a.m.

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

During the recess, Senator Garcia presented the 9th Annual Memorial Day Ceremony in honor of the military personnel who served during wartime. The ceremony was accompanied by the Kalamazoo Pipe Band, Veteran Post Commanders, and the Brighton VFW Post 4357 Honor Guard, Army National Guard.

A moment of silence was observed in memory of those who lost their lives serving their country.

Senator Brown introduced soloist James McDuffy of Three Rivers, who sang the "National Anthem."

The band rendered a musical medley representing the branches of U.S. armed forces: Army, Navy, Air Force, Marine Corps, and Coast Guard.

Senator Garcia introduced Dr. Wayne Tucker, who served as an enlisted soldier in the U.S. Army and retired in 1996 with over fifty years of active and reserved service.

Dr. Tucker addressed the Senate concerning his experiences during war.

Senator Toy presented a special tribute in support of our troops.

Senators Hardiman, Goschka, Clark-Coleman, Switalski, Sanborn, Olshove, Hammerstrom, Emerson, Patterson, Prusi, Basham, Cherry and Allen acknowledged our fallen soldiers during a roll call of the number of casualties of each war.

Senators Schauer and Garcia presented Stanley Lyon with the Republic of Korea's Korean War Service Medal.

Senator Garcia also acknowledged Senators who serve and have served in the military: himself and Senators Hardiman, Allen and Basham and former Senator Harmon Cropsey.

During the recess, Senators Thomas and Leland entered the Senate Chamber.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Johnson admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

### Recess

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

The motion prevailed, the time being 11:17 a.m.

11:23 a.m.

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

During the recess, Senator Johnson introduced to the Senate students of Barnard Elementary School of North Troy, the Jammin' Jays, who rendered a musical selection commemorating Michigan Week. The students were accompanied by Principal Charles Hettenbach, Music Director Carrie Bojcun, School Superintendent Janet Jopke, and school board members Mary Kerwin and Paula Fleming.

During the recess, Senator Barcia entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, May 21:  
**House Bill Nos. 4263 4522 4657**

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, May 21:

**Senate Bill Nos. 503 504 505 506 507 509**  
**House Bill Nos. 4703 4704 4705 4706 4707 4708 4709 4710 4711 4712**

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills**

Senators Thomas, Brater and Jacobs introduced

**Senate Bill No. 514, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding sections 258, 259, and 260.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Jacobs, Brater and Thomas introduced

**Senate Bill No. 515, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding sections 255, 256, and 257.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Jacobs, Cassis, Barcia, McManus, Brater, Basham and Birkholz introduced

**Senate Bill No. 516, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22a of chapter X (MCL 710.22a), as added by 1994 PA 430.

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

Senator Hammerstrom introduced

**Senate Bill No. 517, entitled**

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Hammerstrom introduced

**Senate Bill No. 518, entitled**

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending the title and section 1 (MCL 287.331), as amended by 1997 PA 7, and by adding section 8c.

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

**House Bill No. 4263, entitled**

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

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

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

**House Bill No. 4522, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 826, 845, and 933 (MCL 168.826, 168.845, and 168.933), as amended by 1999 PA 217, and by adding section 848.

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 Government Operations.

**House Bill No. 4657, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 4 (MCL 290.644), as amended by 1986 PA 127.

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 Agriculture, Forestry and Tourism.

### Statements

Pursuant to rule 3.506, Senator Sikkema submitted a statement in writing for inclusion in today's Journal.

Senator Sikkema's statement is as follows:

Mark Gates has contributed much to the Legislature during his seven years with the Senate Majority Policy Office. We are grateful for his dedication, professionalism, and contributions as a member of our team.

Some of his most significant accomplishments include: work on court reorganization, truth-in-sentencing, sentencing guidelines, adult entertainment legislation, anti-terrorism, CCW, youth gang task force, domestic violence victim legislation, repeat offender, DNA profiling, and crime victim rights.

We take this opportunity to recognize his talent and to thank him for his years of service with the Michigan State Senate. We will miss him, and we wish him well in his new endeavor as Deputy Supreme Court Counsel with the Michigan Supreme Court.

### Committee Reports

The Committee on Transportation reported

**Senate Resolution No. 89.**

A resolution to memorialize Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs.

(For text of resolution, see Senate Journal No. 46, p. 593.)

With the recommendation that the resolution be adopted.

Judson S. Gilbert II  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Leland

Nays: None

The resolution was placed on the order of Resolutions.

### COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Joint meeting held on Tuesday, May 20, 2003, at 3:00 p.m., Room 426, Capitol Building

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

Excused: Senator Basham

The Committee on Finance reported

**House Bill No. 4008, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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 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. 23, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

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 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, May 21, 2003, at 1:11 p.m., Room 110, Farnum Building

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

#### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Thursday, May 29, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Community Colleges** - Wednesday, May 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Environmental Quality Department** - Wednesdays, May 28 and June 4, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Friday, May 30, 10:00 a.m., Alma College, Tyler-Van Dusen Student Center, Jones Auditorium, 614 West Superior Street, Alma (373-1760)

**Judiciary and Corrections** - Tuesday, May 27, 3:00 p.m., Room 210, Farnum Building (373-3760)

**K-12, School Aid, Education** - Thursdays, May 29 and June 5, 1:00 p.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Natural Resources Department** - Tuesdays, May 27 and June 3, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

**Commerce and Labor** - Tuesday, May 27, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Economic Development, Small Business and Regulatory Reform** - Wednesday, May 28, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-7670)

**Families and Human Services** - Tuesday, May 27, 2:00 p.m., Room 100, Farnum Building (373-1801)

**Health Policy** - Wednesday, May 28, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

**Legislative Retirement Board of Trustees** - Wednesday, May 28, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Natural Resources and Environmental Affairs and House Land Use and Environment** - Wednesday, May 28, 6:30 p.m., Meads Mill Middle School, Rondel Media Center, 16700 Franklin Road, Northville; and Tuesday, June 3, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3447)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:28 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, May 27, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

