

No. 80
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, October 2, 2003.

10:00 a.m.

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

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—excused
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—excused
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

Minister Tom McNerney of Algonac Church of Christ of Algonac offered the following invocation:

Our gracious Heavenly Father, we acknowledge that You are Creator, God, maker of all things, author and revealer of all truth, redeemer of mankind, hope for the hopeless, and rest for the weary. We humbly bow before Your power and Your presence, Your wisdom and understanding, and Your love and Your mercy. We realize, O God, that we are but dust, frail humans who need a strength greater than ourselves. Give us the wisdom to recognize our failures and our shortcomings, that we might cry out to You in our time of weakness. Stir up our hearts within us to seek You more and cast ourselves upon Your mercy and grace. When the mighty winds of distress and trouble blow, dear Father, be our rock of salvation—our mighty fortress of truth. Father, call us back to the holy purpose of this great nation, that we might be a beacon of Your light to the nations.

We pray for protection for our men and women in the armed forces who are risking their lives for our freedom. Give them courage in perilous times. Give them clarity for their decisions, and grant them peace, even in the midst of storm.

We pray also, Father, for the people of Iraq, Afghanistan, and other countries in which we are now serving. May they see the light of freedom and welcome it. Protect them from harm from the tyranny of terror.

Father, we lift up our President and his administration; guide them in wisdom. We lift up our U.S. Congressmen and Senators; give them a spirit of cooperation. We lift up our law enforcement officers and our protection services. We pray for their protection as they serve. We lift up our Governor and her administration; give her wisdom, strength, and understanding.

O mighty God, we pray for the men and women of this Senate. We recognize that they have a most difficult and often thankless job. We pray that they would value people over position, progress over politics, and integrity over popularity. Give them a vision for the future as they live in today. Grant them wisdom, strength, courage, and a spirit of unity for this great task to which they have been called.

Father, to You we pray, be all glory, honor, and power through Your Son Jesus Christ forever. Amen.

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

Motions and Communications

Senator Cropsey moved that Senators Hammerstrom and Birkholz be excused from today's session.

The motion prevailed.

Senator Hammerstrom is attending a conference of the Council of State Governments.

Senator Birkholz is attending a Great Lakes conference.

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

The motion prevailed.

Senators Emerson, Cropsey and Sikkema asked and were granted unanimous consent to make a statement and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Emerson's statement is as follows:

Today I would like to ask Nancy Nyquist to join me over here because we have a special tribute that I would like to present to her from the members. Nancy is leaving my employment. She has been our Communications Director since last year, and she has been a terrific staff person. I think most of you know her mother who is the Assistant Secretary of the Senate—while Pam is up there trying to deny her age and parentage.

I would like to acknowledge that Nancy has been a terrific staff person for us. We have appreciated all the terrific work she has done for us, and we wish her well in her new employment where she is going to work for the lower house on the other side for Representative Gretchen Whitmer. Nancy has been invaluable, and we appreciate all of her terrific service since last year. We are going to miss her deeply.

Senator Cropsey's statement is as follows:

I want to make mention that the press a lot of times is a very interesting organization. It's referred to as the fourth estate, or some of us in government like to think of them as the fifth column at times. But, regardless, a press person who does his job well and faithfully is someone to be admired. Too often sometimes—especially by legislators—they go unreported and underappreciated.

Kim Johnson's last day of work is today. He has been here covering the Senate since 1974. He was going to try to leave quietly today, and just go off into retirement. I guess reporters never die; they just kind of write away or whatever. I would like to have Kim stand and for us to show appreciation for his faithful reporting for the past 28 years. Thank you, Kim.

Senator Sikkema's statement is as follows:

I really feel compelled to rise this morning to share some personal thoughts about Kim Johnson. I really appreciate having the Floor Leader get up and recognize Kim Johnson for all of his years here at the Capitol. I graduated from college in 1974, immediately came to Lansing, and started working—actually at that time in the Michigan House—briefly before the person I was working for was elected to the Senate. Kim Johnson was already here.

I have known this person for almost 30 years—as a legislative staffer. Then I left the Capitol and headed up a public interest and environmental group, but I was here a lot lobbying on governmental issues. I ran into Kim then and, of course, during the last 17 years as a legislator. There is no question that he can accurately be described as a true fixture at the Capitol.

You know, he has been an eyewitness, and I think we ought to remember this in particular in the era of term limits where most legislators are only going to be here for a short time. Kim has been there for, I think, 32 years, and he has been an eyewitness—a very dispassionate scribe to all of the major events that have confronted the state of Michigan and this particular body. I have a few in mind. For example: He was an eyewitness to the fisticuff between Senators Gil DiNello and John Kelly. He was here and a bit more seriously, probably in 1983—which in the recalls of 1983—which actually changed the control of this body. He was here in the marathon session of December of 1993, and there are people who are in this body today who were probably in the House at that time—I know I was. But Kim Johnson was here in the marathon sessions that eventually led to Proposal A. All of us are still living through that session when we were here on Christmas Eve day. I know that my family has never let me forget that. He was here when Lieutenant Governor Martha Griffiths, from that podium, Mr. President, that you are on, telling Senators not to maintain order, but she said, “behave.” He was here when Senator Jack Faxon would have lunch served. He had it served one day at his desk with a silver tea service, and he has remembered a lot of other things.

I just want to say from a personal standpoint that Kim Johnson has been a very important and respected part of state house coverage through four Governors and seven Presidents, and he is specialized in Senate coverage and environmental coverage. Thank you, Kim. We will miss you and your presence, and I think you are the poster child, if you will, for how the media serves not only their profession, but the public as well.

Senator Thomas entered the Senate Chamber.

The Secretary announced that the following bills and joint resolution were available at the legislative Web site on Wednesday, October 1:

Senate Bill Nos.	740	741	742	743	744	745	746	747	748	749				
House Bill Nos.	5088	5089	5090	5091	5092	5093	5094	5095	5096	5097	5098	5099	5100	5101
	5102	5103												
House Joint Resolution														N

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 701, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Senator Cropsey moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

Senate Bill No. 725

Senate Bill No. 224

House Bill No. 4967

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 725, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 27 (MCL 42.27), as amended by 1988 PA 82.

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. 436

Yeas—36

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

Nays—0

Excused—2

Birkholz	Hammerstrom
----------	-------------

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 224, entitled

A bill to designate the fourth Friday in April of each year as children's memorial day in the state of Michigan.

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. 437

Yeas—36

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

Nays—0

Excused—2

Birkholz

Hammerstrom

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.
 Senator Barcia moved that he be named co-sponsor of the bill.
 The motion prevailed.

The following bill was read a third time:

House Bill No. 4967, entitled

A bill to amend 1965 PA 261, entitled “An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,” by amending section 1 (MCL 46.351), as amended by 2000 PA 496.

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. 438

Yeas—36

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

Nays—0

Excused—2

Birkholz

Hammerstrom

Not Voting—0

In The Chair: Sanborn

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

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the Assistant President pro tempore, Senator Sanborn, designated Senator Clarke as Chairperson.

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

House Bill No. 4457, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676 (MCL 257.676), as amended by 1980 PA 518.

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

Resolutions

Senator Cropsey moved that consideration of the following resolutions be postponed for today:

Senate Concurrent Resolution No. 29

Senate Resolution No. 134

The motion prevailed.

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

Senate Resolution No. 164

Senate Resolution No. 165

Senate Resolution No. 166

The resolution consent calendar was adopted.

Senators Hardiman, Switalski, Garcia, Gilbert, Jelinek, Clark-Coleman, Brown, Patterson, Clarke, Toy, Cherry, Jacobs, Birkholz, Olshove, Sanborn, Cropsey, Cassis, Goschka, Stamas, Van Woerkom, McManus and Kuipers offered the following resolution:

Senate Resolution No. 164.

A resolution encouraging adoption and enactment of any and all additional legislation required to assure the implementation of the "Do-Not-Call" program.

Whereas, Responding to public outcry and demand, the state of Michigan, the Federal Communications Commission, and the Federal Trade Commission, respectively, created "Do-Not-Call" lists to protect the privacy rights of individuals and restrict the access of telemarketers to the general public, a provision which has, to date, seen 1.9 million Michigan telephone numbers and over 50 million telephone numbers nationally enrolled in the "Do-Not-Call" program; and

Whereas, A September 23, 2003, decision by United States District Court Judge Lee R. West for the Western District of Oklahoma and a September 25, 2003, ruling by United States District Court Judge Edward W. Nottingham for the District of Colorado have placed the legality of the federal "Do-Not-Call" list created by the Federal Trade Commission in doubt and thrown the privacy rights of Michigan and American citizens into jeopardy; and

Whereas, Congress and President George W. Bush quickly reacted to the decision issued by the United States District Court for the Western District of Oklahoma regarding the Federal Trade Commission's authority to enact a "Do-Not-Call" list by adopting and enacting by September 29, 2003, a new federal statute granting the Federal Trade Commission the authority to create and enforce provisions related to a "Do-Not-Call" list in an effort to redress the legal decision barring the list's enforcement; and

Whereas, The Federal Communications Commission has determined its rules and regulations related to the agency's "Do-Not-Call" list may be enforced due to the present lack of legal action against the commission's regulatory rulings, a decision which may shortly be challenged by separate legal action; now, therefore, be it

Resolved by the Senate, That the members of the United States Congress and President George W. Bush be praised for their timely efforts on this issue; and be it further

Resolved, That the United States Congress and President George W. Bush be encouraged to swiftly adopt and enact any and all additional legislation required to assure the will of the American people be heard in their collective desire to enjoy the privacy of their homes; and be it further,

Resolved, That a copy of this resolution be transmitted to President George W. Bush and each member of the Michigan congressional delegation.

Senator Brater was named co-sponsor of the resolution.

Senator Schauer offered the following resolution:

Senate Resolution No. 165.

A resolution proclaiming October 4, 2003, as Global Citizens River Cleanup Day in the Greater Battle Creek Area.

Whereas, The city of Battle Creek participates in a Pentalateral Environmental Exchange Program with its sister city of Takasaki, Japan, and cities from Brazil, the Czech Republic, and China; and

Whereas, At a recent Exchange, the cities established a goal of conducting an environmental beautification project in each city in October known as Global Citizens Day with the motto of “Let’s Think Globally Together”; and

Whereas, The city of Battle Creek has worked with Calhoun County Community Development and the city of Springfield to develop a watershed management plan for a portion of the Kalamazoo River watershed. This plan will help restore rivers and lakes to provide recreational uses and wildlife habitats once common in the area through public education; and

Whereas, On October 4, 2003, the city of Battle Creek will partner with Calhoun County Community Development, the city of Springfield, and the city of Marshall to conduct a cleanup of a portion of the Kalamazoo River watershed; now, therefore, be it

Resolved by the Senate, That October 4, 2003, is hereby proclaimed as Global Citizens River Cleanup Day in the Greater Battle Creek Area. We encourage citizens to participate in this worthwhile project to help restore this wonderful natural resource to its full beauty and potential; and be it further

Resolved, That a copy of this resolution be transmitted to the city of Battle Creek.

Senators Brater, Clark-Coleman, Jacobs, Switalski, Thomas, Clarke and Toy were named co-sponsors of the resolution.

Senators Scott, Clark-Coleman, Clarke, Thomas, Birkholz, Leland, Brater, Olshove, Basham, Cherry, Schauer, Kuipers, Allen, Jacobs, McManus, Cassis, Bernero, Hammerstrom, Emerson, Van Woerkom, Stamas, Sikkema, Sanborn, Hardiman, George, Switalski, Prusi and Barcia offered the following resolution:

Senate Resolution No. 166.

A resolution honoring the Detroit Shock, 2003 Women’s National Basketball Association Champions.

Whereas, On September 16, 2003, the Detroit Shock defeated two-time defending champion Los Angeles Sparks 83-78 to win the 2003 Women’s National Basketball Association Finals. This victory which was witnessed by a crowd of 22,076—the largest in league history—occurred at The Palace of Auburn Hills; and

Whereas, Head Coach Bill Laimbeer and assistant coaches Laurie Byrd, Pamela McGee, and Korie Hlede led the team from a last-place WNBA finish in 2002 to a championship finish in 2003, making the Shock the first team in American pro sports to go from last place in one year to first place the next year; and

Whereas, Head Coach Bill Laimbeer, a former National Basketball Association player dubbed “Baddest of the Bad Boys” while playing for the two-time world champion Detroit Pistons, clearly transferred the deft touch and dogged determination displayed during his playing days to the task of developing a world champion team. He was named the 2003 WNBA Coach of the Year; and

Whereas, Most Valuable Player Ruth Riley scored a career-high 27 points in the championship game, and center Cheryl Ford was named the 2003 WNBA Rookie of the Year; and

Whereas, The Detroit Shock sent an unmistakable signal to the WNBA when it landed three of its players on the 2003 All-Star team. The rock-steady play of forward Swin Cash, the often-sensational play of rookie center Cheryl Ford, and the sharp-shooting of guard Deanna Nolan spoke volumes of things to come; and

Whereas, The Detroit Shock rolled through the playoffs to become the Eastern Conference representative in the WNBA Finals. After a rocky start in the Finals, the team displayed the heart of a champion by winning back-to-back games to capture the WNBA crown; and

Whereas, The Detroit Shock team—Swin Cash, Allison Curtin, Barbara Farris, Cheryl Ford, Kedra Holland-Corn, Sheila Lambert, Astou Ndiaye-Diatta, Deanna Nolan, Elaine Powell, Ruth Riley, Stacey Thomas, Petra Ujhelyi, and Ayana Walker—completed the season 25-9; now, therefore, be it

Resolved by the Senate, That this legislative body hereby honors the Detroit Shock, 2003 National Women’s Basketball Association Champions; and be it further

Resolved, That a copy of this resolution be transmitted to Head Coach Bill Laimbeer and to the 2003 members of the Detroit Shock as a reflection of our congratulations.

Senator Cropsey moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Thomas, Bishop, Basham, Kuipers, Stamas, Cassis, Van Woerkom, Sanborn, Patterson and Hardiman offered the following resolution:

Senate Resolution No. 163.

A resolution to memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan.

Whereas, Access to capital is a key component of establishing a new enterprise. The ability to raise sufficient funding to start a business is one of the major hurdles any entrepreneur faces in attempting to create a new company; and

Whereas, Because the creation of new businesses is fundamental to job creation and a successful economy, making capital more available to start-up companies is a challenge of great significance to our communities and the entire country. In response to this need, Congress has on several occasions enacted measures to encourage the establishment of new businesses. Congressional tools, including tax incentives for high-risk companies at the early stages of development and other moves that encourage investment in start-up ventures, can be highly beneficial; and

Whereas, Michigan is strongly committed to encouraging venture capital investment in this state. Our efforts, however, will not be nearly as effective as they could be without similar leadership from Congress. A multi-pronged effort, with both the states and the national government encouraging private enterprise, can lead to greater innovation in any number of fields. This innovation, a hallmark of American society, is critical to the vitality of our national economy as we respond to challenges in an era of great change; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact measures that support venture capital activities in Michigan; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Cropsey 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 Cropsey moved that the resolution be referred to the Committee on Commerce and Labor.

The motion prevailed.

Senators Brater, Clark-Coleman, Jacobs, Schauer, Switalski and Clarke were named co-sponsors of the resolution.

Senator Basham offered the following 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.

Whereas, Landfills and incinerators pose a variety of environmental risks to Michigan residents and our neighbors, from a potential to contaminate groundwater aquifers to the release of a variety of air pollutants; and

Whereas, Certain items, such as used oil and batteries, increase significant health and safety risks if placed in disposal facilities; and

Whereas, Banning recyclable or compostable items from our disposal facilities protects public health and the environment by prolonging the life of a landfill and minimizes the need for additional landfills, saving land resources and the other inherent risks of solid waste disposal facilities; and

Whereas, The reuse of recyclable materials reduces energy use and related negative impacts on our natural resources; and

Whereas, The reuse of recyclable materials reduces the demand for virgin materials. In some cases, the mining, collection, and processing of virgin materials can lead to degradation of our natural resources; and

Whereas, Michigan's recycling rates are significantly below average when compared to the region or national averages; and

Whereas, Michigan residents have chosen to spend considerable time and resources on diverting certain waste streams from solid waste disposal facilities such as beverage containers, yard waste, used oil, and scrap tires; and

Whereas, Efforts to encourage people to recycle are undermined when residents do not see a link between their efforts to recycle materials and the extension of the usable life of area disposal facilities; and

Whereas, Solid waste management is most effective when done on a local level where program implementation is conducted; now, therefore, be it

Resolved by the Senate, That it is the sense of this legislative body that local units of governments need to be empowered to have greater control over solid waste management decisions; that the county level is the optimal planning unit of government due to the multi-jurisdictional nature of solid waste disposal facilities; that the state of Michigan should play a larger role in ensuring that products that Michigan residents have decided to divert from solid waste disposal facilities are not allowed in our facilities from other jurisdictions; and that the state of Michigan should support local units of governments in their efforts to provide alternative disposal mechanisms for those items banned from our solid waste disposal facilities; and be it further

Resolved, That we memorialize the Congress of the United States to enact legislation to extend to the states more authority for the management of 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.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Cropsey 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 Cropsey moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Basham offered the following concurrent resolution:

Senate Concurrent Resolution No. 34.

A concurrent resolution to express the sense of the Michigan Legislature 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.

Whereas, Landfills and incinerators pose a variety of environmental risks to Michigan residents and our neighbors, from a potential to contaminate groundwater aquifers to the release of a variety of air pollutants; and

Whereas, Certain items, such as used oil and batteries, increase significant health and safety risks if placed in disposal facilities; and

Whereas, Banning recyclable or compostable items from our disposal facilities protects public health and the environment by prolonging the life of a landfill and minimizes the need for additional landfills, saving land resources and the other inherent risks of solid waste disposal facilities; and

Whereas, The reuse of recyclable materials reduces energy use and related negative impacts on our natural resources; and

Whereas, The reuse of recyclable materials reduces the demand for virgin materials. In some cases, the mining, collection, and processing of virgin materials can lead to degradation of our natural resources; and

Whereas, Michigan's recycling rates are significantly below average when compared to the region or national averages; and

Whereas, Michigan residents have chosen to spend considerable time and resources on diverting certain waste streams from solid waste disposal facilities such as beverage containers, yard waste, used oil, and scrap tires; and

Whereas, Efforts to encourage people to recycle are undermined when residents do not see a link between their efforts to recycle materials and the extension of the usable life of area disposal facilities; and

Whereas, Solid waste management is most effective when done on a local level where program implementation is conducted; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of this legislative body that local units of governments need to be empowered to have greater control over solid waste management decisions; that the county level is the optimal planning unit of government due to the multi-jurisdictional nature of solid waste disposal facilities; that the state of Michigan should play a larger role in ensuring that products that Michigan residents have decided to divert from solid waste disposal facilities are not allowed in our facilities from other jurisdictions; and that the state of Michigan should support local units of governments in their efforts to provide alternative disposal mechanisms for those items banned from our solid waste disposal facilities; and be it further

Resolved, That we memorialize the Congress of the United States to enact legislation to extend to the states more authority for the management of 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.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Cropsey 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 Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Garcia's statement is as follows:

I rise to thank my colleagues and all the staff who attended yesterday's Hispanic Heritage Month celebration. We had a good representation on the Capitol steps yesterday, and many of you enjoyed the fine Hispanic cuisine that was offered. Also I note several of my colleagues attended the dinner last night and the reception and stopped in to say "hi." I want to offer my appreciation for their support, and we hope to see you again next year.

Senator Bishop's statement is as follows:

I just wanted to reflect a little bit. This morning we've already had an opportunity to reflect on some of our friends who have been around for a while. This morning I was happy to see Andy Raczkowski, who is on the floor somewhere here today. Andy Raczkowski has been a friend of ours for a long time—former member of the State House. We all know him, and we all wish him the best in his new life outside of the Legislature.

But what many of us don't know is that very soon he is going to answer a calling to go to Iraq on behalf of all of us to fight for freedom. I just want him to know—and I know that I express this from all of his former colleagues and from all the members here today—how much we admire him and how much we are going to be thinking about him in the days to come. Rocky can't speak today, and I know he'd love to, but one of the things he asked me to ask all of you is that you do pray for him and think about him, that you wish him a safe and quick return.

On behalf of all of us, Rocky, I just want you to know how much you mean to us and how grateful we are. On behalf of your country, on behalf of your state, on behalf of all of us: Thank you very much for your courage, your conviction, and we do wish you a safe and quick return.

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

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

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

The motion prevailed, the time being 10:41 a.m.

10:54 a.m.

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

During the recess, Senator Clarke introduced to the Senate Latoris Shepherd, Cedric Redus, and Michael Travis, three men who rescued Joel Puz from a burning tanker, and presented them with Senate Resolution Nos. 158, 159, and 160.

Representative Tobocman responded briefly and presented the men with special tributes.

Mr. Puz responded briefly.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Hammerstrom introduced

Senate Bill No. 751, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16263 (MCL 333.16263), as amended by 2001 PA 139, and by adding section 16336 and part 179.

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

Senators Brown, Birkholz and Allen introduced

Senate Bill No. 752, entitled

A bill to create an awards program; and to authorize the governor to make certain awards.

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

Senators Scott, Cherry, Schauer, Jacobs, Brater, Clark-Coleman, Goschka, Toy and Cropsey introduced

Senate Bill No. 753, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; 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 Families and Human Services.

Senators Schauer, Cherry, Scott, Clark-Coleman, Goschka, Toy and Cropsey introduced

Senate Bill No. 754, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k.

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

Senators Hammerstrom, Cherry, Schauer, Jacobs, Scott, Clark-Coleman, Goschka, Toy and Cropsey introduced

Senate Bill No. 755, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531.

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

Senators Hardiman, Jelinek, Clark-Coleman, Clarke, Cherry, Toy, Schauer, Jacobs, Birkholz, Cropsey and Goschka introduced

Senate Bill No. 756, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

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

Senators Clarke, Cherry, Jacobs, Clark-Coleman and Goschka introduced

Senate Bill No. 757, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a.

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 141.

A resolution to memorialize the Congress of the United States to enact Great Lakes environmental restoration legislation.

(For text of resolution, see Senate Journal No. 72, p. 1617.)

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.

The Committee on Natural Resources and Environmental Affairs reported

Senate Concurrent Resolution No. 13.

A concurrent resolution to memorialize the Congress of the United States to fund fully the Great Lakes Legacy Act and to urge the United States Environmental Protection Agency, the Michigan Department of Environmental Quality, and other parties to make every effort to expedite cleanup efforts in Michigan's designated Areas of Concern.

(For text of resolution, see Senate Journal No. 27, p. 309.)

With the recommendation that the concurrent resolution be adopted.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

House Bill No. 4599, entitled

A bill to repeal local acts restricting hunting on Sundays in the counties of Tuscola, Lenawee, Hillsdale, and St. Clair.

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 and Van Woerkom

Nays: Senators Brater and Basham

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, September 30, 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

Senate Bill No. 158, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

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

1. Amend page 2, line 11, by striking out "January 1, 2003" and inserting "January 1, 2004".

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn and Patterson

Nays: Senators Schauer, Bernero and Brater

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

The Committee on Judiciary reported

Senate Bill No. 221, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43510 and 43516 (MCL 324.43510 and 324.43516), section 43510 as amended by 1996 PA 585 and section 43516 as added by 1995 PA 57.

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, Sanborn, Patterson, Schauer and Bernero
Nays: Senator Brater
The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

Senate Bill No. 508, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278

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.

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

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160c.
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

Senate Resolution No. 127.

A resolution to memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals.

(For text of resolution, see Senate Journal No. 67, p. 1201.)

With the recommendation that the following amendments be adopted and that the resolution then be adopted:

1. Amend the title, line 2, after "act to" by striking out "begin" and inserting "continue".
2. Amend the title, line 2, after "hearings" by inserting "and to have a vote by the full Senate".
3. Amend the first Resolved clause, line 2, after "act to" by striking out "begin" and inserting "continue".
4. Amend the first Resolved clause, line 2, after "hearings" by inserting "and to have a vote by the full Senate".

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson and Brater
Nays: None
The resolution and the amendments recommended by the committee were placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 30, 2003, at 1:00 p.m., Room 210, Farnum Building
Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

The Committee on Government Operations reported

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.

With the recommendation that the bill pass.

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

Kenneth R. Sikkema
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, October 1, 2003, at 8:35 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building.

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis and Emerson

Excused: Senators Jacobs and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Joint meeting held on Thursday, September 25, 2003, at 6:00 p.m., Grayling City Hall, 1020 City Boulevard, Grayling

Present: Senator Van Woerkom (C)

Excused: Senators Gilbert, Jelinek, Brater and Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Public hearing held on Monday, September 29, 2003, at 10:12 a.m., Providence Park Hospital, Conference Rooms A and B, 47601 Grand River Boulevard, Novi

Present: Senators Cassis (C) and Garcia

Excused: Senators McManus, Thomas and Brater

Scheduled Meetings

Appropriations -

Subcommittees -

Commerce, Labor and Economic Development and Commerce and Labor - Tuesday, October 7, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

Community Health Department and Health Policy - Wednesday, October 8, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-7946)

Commerce and Labor and Commerce, Labor and Economic Development Appropriations Subcommittee - Tuesday, October 7, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Finance - Mondays, October 6, 10:00 a.m., Holiday Inn, 501 Saginaw Street, Bay City, and October 13, 10:00 a.m., DeVos Center, Room 138, Grand Valley State University, 401 W. Fulton Street, Grand Rapids (373-1758)

Gaming and Casino Oversight - Wednesday, October 8, 1:00 p.m., Room 210, Farnum Building (373-2413)

Health Policy and Community Health Department Appropriations Subcommittee - Wednesday, October 8, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Judiciary - Friday, October 3, 2:00 p.m., Kalamazoo County Administration Building, 201 W. Kalamazoo Avenue, Kalamazoo (373-3760) (CANCELED)

Judiciary - Tuesday, October 7, 1:00 p.m., Room 210, Farnum Building (373-3760)

Judiciary and House Veterans Affairs and Homeland Security - Tuesday, October 7, 8:00 a.m., Room 519, House Office Building, South Tower (373-3760)

Michigan Capitol Committee - Thursday, October 9, 9:00 a.m., Room 426, Capitol Building (373-0289)

Natural Resources and Environmental Affairs - Tuesday, October 7, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Cropsy moved that the Senate adjourn.
The motion prevailed, the time being 10:57 a.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, October 7, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

