

**No. 12**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Wednesday, February 12, 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

Bishop Grover Wembley of New Day Church of Deliverance of Detroit offered the following invocation:

O gracious Father, Ruler of the universe, we thank You for this opportunity to witness a brand-new day. Thank You for bringing us safely from the 83 counties as we come together in a oneness of mind.

Father, we thank You for this great day, this great state of Michigan, our executive head—our Honorable Jennifer Granholm—and this 92nd Senate session. Guide them as they make meaningful decisions that will improve the qualities of life for their constituents.

This we ask in the name of all that is good. Amen.

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

### Motions and Communications

Senators Garcia and Clark-Coleman entered the Senate Chamber.

Senator Hammerstrom moved that Senator Johnson be temporarily excused from today's session. The motion prevailed.

### Messages from the Governor

The following messages from the Governor were received and read:

February 11, 2003

I respectfully submit for your approval the following appointment to office:

**Member, Commission of Agriculture**

Mr. James Byrum, 4933 Bellevue Road, Onondaga, MI 49264, county of Ingham, to a term commencing on February 11, 2003 and expiring December 31, 2006.

February 11, 2003

I respectfully submit for your approval the following appointments to office:

**Board of State Canvassers**

Kathy DeGrow, 902 Raeburn Road, Eaton Rapids, MI 48827, county of Eaton, to a term commencing on February 1, 2003 and expiring February 1, 2006.

**Board of State Canvassers**

Doyle O' Conner, 615 Griswold #1724, Detroit, MI 48226, county of Wayne, to a term commencing on February 1, 2003 and expiring February 1, 2006.

Sincerely,  
Jennifer M. Granholm  
Governor

The appointments were referred to the Committee on Government Operations.

### Resolutions

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

**Senate Resolution No. 7**

The motion prevailed.

Senator Bishop offered the following resolution:

**Senate Resolution No. 11.**

A resolution to urge the Michigan Department of Education to develop a structure to provide assistance to school districts in setting up education foundations.

Whereas, Providing excellence in education is an expensive process. Meeting this challenge for public schools has become more difficult as other demands on limited public resources have increased. The current financial difficulties

facing our state and nation provide an excellent argument for the need to find other ways to help pay for the enhancements we all hope to provide for the young people of our communities; and

Whereas, Over the years, citizens and businesses in many communities across the country have acted on their concerns and commitment to education by establishing education foundations. These independent, nonprofit organizations operate as philanthropic entities, usually as tax-exempt organizations. Education foundations also can be very effective in raising public awareness on key local issues related to the schools. Trustees for these foundations are often comprised of community leaders that include retired teachers, parents, and business leaders. Through contributions and fund-raising enterprises, education foundations can supplement school district programs with special equipment, programs, or events; and

Whereas, Many Michigan school districts have established education foundations and benefit from their work and dedication to learning. However, more districts could benefit from this strategy. As the state copes with mounting financial pressures and districts face reductions in services and resources, every effort should be made to encourage local school districts to pursue this idea. Help with the administrative and legal challenges involved in establishing a foundation could prove invaluable; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Education to develop a structure to provide assistance to school districts in setting up education foundations; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Education.

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 Education.

The motion prevailed.

Senators Goschka, Jelinek, Van Woerkom, Garcia, Toy and Kuipers were named co-sponsors of the resolution.

Senators Cassis, Patterson, Birkholz, Cherry, Bernero, Bishop, Gilbert, Barcia, Basham, Sanborn, Brown, Garcia, Hardiman, Toy, Brater, Allen, Olshove and Jelinek offered the following 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.

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, 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.

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 Goschka and Kuipers were named co-sponsors of the resolution.

Senator Johnson entered the Senate Chamber.

### **Introduction and Referral of Bills**

Senators Switalski, Patterson, Clarke, Basham, Brater, Clark-Coleman, Jacobs and Leland introduced

#### **Senate Bill No. 174, entitled**

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

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

Senators Brown, Jelinek, Kuipers, Birkholz, Patterson, Cropsey, Olshove and Goschka introduced

#### **Senate Bill No. 175, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

Senator Bishop introduced

#### **Senate Bill No. 176, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16r of chapter XVII (MCL 777.16r), as amended by 2002 PA 279.

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

Senators Cherry, Basham, Jacobs, Brater, Clark-Coleman, Schauer, Olshove and Leland introduced

#### **Senate Bill No. 177, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11505 and 11514 (MCL 324.11505 and 324.11514).

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

Senators Hammerstrom, Jacobs and Jelinek introduced

#### **Senate Bill No. 178, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d.

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

Senators Hammerstrom, Jacobs and Jelinek introduced

#### **Senate Bill No. 179, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1523.

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

**Committee Reports**

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:  
Meeting held on Tuesday, February 11, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building  
Present: Senators Garcia (C), McManus and Switalski

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:  
Meeting held on Tuesday, February 11, 2003, at 3:00 p.m., Room 110, Farnum Building  
Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

**Scheduled Meetings**

**Administrative Rules** - Thursday, February 13, 1:00 p.m., House Committee Room, 4th Floor, Capitol Building (373-2417)

**Agriculture, Forestry and Tourism** - Thursday, February 13, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations, Joint Senate/House** - Thursday, March 6, 12:00 noon, House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Agriculture** - Thursday, February 20, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Capital Outlay** - Thursday, February 20, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Environmental Quality Department** - Wednesday, February 19, 3:00 p.m., Room 110, Farnum Building (373-1725)

**General Government** - Tuesdays, February 18 and February 25, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

**History, Arts, and Libraries** - Tuesday, February 18, 1:00 p.m., Room 100, Farnum Building (373-0793)

**Natural Resources Department** - Wednesday, February 19, 4:00 p.m., Room 110, Farnum Building (373-1725)

**State Police and Military Affairs** - Tuesday, February 18, 1:00 p.m., Room 405, Capitol Building (373-5932)

**Transportation Department** - Tuesday, February 18, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Banking and Financial Institutions** - Thursday, February 13, 1:00 p.m., Room 100, Farnum Building (373-2417)

**Education** - Thursday, February 13, 2:00 p.m., Room 210, Farnum Building (373-6920)

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

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:12 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, February 13, 2003, at 10:00 a.m.

