

No. 25
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, March 13, 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—excused
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

Father Tim Galos of St. Sylvester's Parish of Warren offered the following invocation:

Almighty God, source of goodness and power, we trust in You. We believe that wisdom comes from You and that nothing comes without Your knowledge.

You know these men and women whom You have chosen to be the Senators of our state, here in Michigan. We are proud of them. As they gather together today, and in all their gatherings and sessions, we ask You to enlighten them with Your wisdom to know what is best for the people they serve. Bless their hearts and minds, that they will work for the welfare of all and set aside selfish interests; that they will strive to promote peace, justice, and equality for all. Protect them with Your love and mercy.

We also entrust to Your protection all our government leaders—our President and all leaders of the world, our Governor and all leaders of our state. Protect them from harm, bless them with wisdom, and give them hearts full of love and understanding.

Also cover us with Your protection, that we will live in mutual love for each other and that peace, love, and understanding may reign in our hearts.

This we ask in Your name, our Lord and God. 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 Senator Garcia be excused from today's session.

The motion prevailed.

Senator Schauer moved that Senators Clark-Coleman and Olshove be temporarily excused from today's session.

The motion prevailed.

The following communication was received and read:

Office of the Senate Majority Leader

March 13, 2003

Pursuant to Senate Rule 3.203b, I am hereby re-referring Senate Bill 293, from the Senate Local, Urban and State Affairs Committee to the Senate Judiciary Committee.

Respectfully yours,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, March 12, of:

Senate Bill Nos.	290	291	292																
House Bill Nos.	4310	4311	4312	4313	4314	4315	4316	4317	4318	4319	4320	4321	4322	4323					
	4324	4325																	

Recess

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

The motion prevailed, the time being 10:07 a.m.

10:57 a.m.

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

During the recess, Senators Clark-Coleman and Olshove entered the Senate Chamber.

Senator Hammerstrom moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Commerce and Labor:

Senate Bill No. 218, entitled

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

The motion prevailed.

Messages from the House

Senate Bill No. 160, entitled

A bill to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; and to provide for the administration of this act.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to provide for the audit and examination of this state and state funds; to provide for the audit and examination of the books and accounts of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions of this state; to prescribe powers and duties of certain state officers and employees; to provide for access to certain records; to provide for the subpoena of witnesses and production of documents and records; to prescribe penalties; and to provide for the administration of this act.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 195, entitled

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to require certain policies and procedures in the awarding of contracts; and to provide for the powers and duties of certain governmental officials and entities.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to provide for the approval of certain contracts and rates involving the operation of certain water and sewer systems; to require certain policies and procedures in the awarding of contracts and approving of rates; to provide for the powers and duties of certain governmental officials and entities; and to provide for remedies.

Pursuant to rule 3.202, the bill was laid over one day.

Third Reading of Bills

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

Senate Bill No. 129

Senate Bill No. 130

Senate Bill No. 131

Senate Bill No. 132

Senate Bill No. 133

Senate Bill No. 134

Senate Bill No. 135

Senate Bill No. 136

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 129, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1211 and 1211e (MCL 380.1211 and 380.1211e), section 1211 as amended and section 1211e as added by 1994 PA 258; 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. 28**Yeas—36**

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

Nays—0**Excused—1**

Garcia

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Schauer moved that Senator Emerson be excused from the balance of today's session.
The motion prevailed.

The following bill was read a third time:

Senate Bill No. 130, entitled

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

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. 29**Yeas—36**

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

Nays—0

Excused—2

Emerson

Garcia

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. 131, entitled

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

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. 30

Yeas—36

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

Nays—0

Excused—2

Emerson

Garcia

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. 132, entitled

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

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. 31

Yeas—36

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

Nays—0

Excused—2

Emerson	Garcia
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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. 133, entitled

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

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. 32

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas

Bishop	Gilbert	McManus	Switalski
Brater	Goschka	Olshove	Thomas
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom

Nays—0

Excused—2

Emerson	Garcia
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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. 134, entitled

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

The question being on the passage of the bill,

Senator Hammerstrom moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 135, entitled

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

The question being on the passage of the bill,

Senator Johnson moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 136, entitled

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

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. 33

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas

Bishop
Brater
Brown
Cassis

Gilbert
Goschka
Hammerstrom
Hardiman

McManus
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Johnson moved to reconsider the vote by which the following bill was passed:

Senate Bill No. 129, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1211 and 1211e (MCL 380.1211 and 380.1211e), section 1211 as amended and section 1211e as added by 1994 PA 258; and to repeal acts and parts of acts.

The motion prevailed, 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. 34

Yeas—36

Allen
Barcia
Basham
Bernero
Birkholz
Bishop
Brater
Brown
Cassis

Cherry
Clark-Coleman
Clarke
Cropsey
George
Gilbert
Goschka
Hammerstrom
Hardiman

Jacobs
Jelinek
Johnson
Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sanborn
Schauer
Scott
Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 134, entitled

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

(This bill was read a third time earlier today and consideration postponed. See p. 275.)

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. 35

Yeas—36

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

Nays—0

Excused—2

Emerson	Garcia
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Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to consideration of the following bill:

Senate Bill No. 135, entitled

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

(This bill was read a third time earlier today and consideration postponed. See p. 275.)

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. 36

Yeas—36

Allen	Cherry	Jacobs	Sanborn
Barcia	Clark-Coleman	Jelinek	Schauer
Basham	Clarke	Johnson	Scott
Bernero	Cropsey	Kuipers	Sikkema
Birkholz	George	Leland	Stamas
Bishop	Gilbert	McManus	Switalski

Brater
Brown
Cassis

Goschka
Hammerstrom
Hardiman

Olshove
Patterson
Prusi

Thomas
Toy
Van Woerkom

Nays—0

Excused—2

Emerson

Garcia

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 32

Senate Resolution No. 33

Senate Resolution No. 34

The resolution consent calendar was adopted.

Senators Hammerstrom, Birkholz, Patterson, Cassis, Allen, Gilbert, Cropsey, Hardiman, Sanborn, Johnson, Stamas, Van Woerkom, Toy, McManus, George, Sikkema, Brown, Jelinek, Goschka, Bishop and Kuipers offered the following resolution:

Senate Resolution No. 32.

A resolution to recognize the Sesquicentennial Celebration of the formation of the Republican Party in Jackson.

Whereas, Michigianians from around the state—Democrats, Whigs, and Free Soilers—came together in Jackson, Michigan, in July 1854 to denounce the Kansas/Nebraska Act and the unjust practice of slavery; and

Whereas, These brave citizens united behind a common platform, courageously adopting the name “Republican” as their common moniker, therein birthing a new party in Jackson, Michigan, on July 6, 1854; and

Whereas, Numerous Northern states soon followed Michigan’s lead adopting the common party name and similar platforms, thereby creating the network that would become the nation’s Republican Party; and

Whereas, The united, bellowing voice of this Republican Party became the beckoning call for all free citizens to oppose the forced servitude of their fellow man and right a wrong that had plagued the country since its inception; and

Whereas, July 6, 2004, will mark the 150th anniversary of the coming together of righteous hearts and souls, whose eventual effort in spreading liberty would within the decade pit brother against brother, American against American, in the tragic Civil War between the states; and

Whereas, These actions taken by America’s forefathers on July 6, 1854, in Jackson, Michigan, greatly shaped and forever changed the rich history of our state and nation; now, therefore, be it

Resolved by the Senate, That we hereby recognize the Sesquicentennial Celebration of the formation of the Republican Party and support the grand effort of the citizens of Jackson to recognize the events of this period through artifact and celebrations. We also join Jackson’s Under the Oaks Foundation in its mission to erect a permanent museum honoring the birth of a party and the death of the ultimate injustice of slavery; and be it further

Resolved, That a copy of this resolution be transmitted to Jonathan Williams, Director of the Under the Oaks Foundation.

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

Senator Basham offered the following resolution:

Senate Resolution No. 33.

A resolution in commemoration of the 155th Anniversary of the Hungarian Revolution of 1848.

Whereas, In commemoration of the Hungarian Revolution of 1848, we are honored to be included as part of the celebration. This period of bravery has served as a source of pride and heroism for 155 years to all people of Hungarian descent. It is traditionally celebrated on March 15 of each year. Even while the country was under communist leadership, the people continued to reflect on this special day, celebrating the ideals of this event and the people who made it happen; and

Whereas, Hungary had been under rule of the Hapsburg Dynasty since the late 17th century. The rest of the world had moved beyond a feudal system by the examples of Britain, America, and France. The nobility of Hungary knew it to be in their best interest to follow in this pattern. On March 15, 1848, Hungary became the first country to have their demands met by the Royal Court and had a peaceful transition; and

Whereas, The peaceful transition would be short-lived. After the Hapsburg armies completed business in other European countries, they arranged to send armies to regain imperial authority in Hungary. Generals Artur Gorgey and Jozef Bem recaptured Hungary with military force in April 1849, and they declared the House of Hapsburg dethroned. In the bitter fighting that occurred afterwards, thirteen military commanders were executed at Arad on October 6 and are to this day honored as the Martyrs of Arad. The prime minister, Count Lajos Batthyany, was shot by a firing squad in Pest, Hungary, thereby ending what would live in the memories and traditions of the people of Hungary to this day; and

Whereas, The bravery of these revolutionaries came to symbolize the defense of liberty gained and the recovery of liberty lost. The inspiration of this revolution would lead Hungarians through the many hardships and victories that stood before them; now, therefore, be it

Resolved by the Senate, That we share in the commemoration of this important day—155th Anniversary of the Hungarian Revolution of 1848—for all Hungarians and all who honor the ideals of liberty; and be it further

Resolved, That a copy of this resolution be transmitted to the Organization of Hungarian Churches and Societies of Metropolitan Detroit as a reflection of our esteem and respect.

Senators Scott, Prusi, Bernero, Schauer, Thomas, Clarke, Allen, Bishop, Goschka, Patterson, Cassis, Cherry, Switalski, Cropsy and Brater were named co-sponsors of the resolution.

Senators Emerson and Schauer offered the following resolution:

Senate Resolution No. 34.

A resolution to honor the American Federation of State, County, and Municipal Employees Council 25 upon the 25th Anniversary of its formation.

Whereas, The Michigan American Federation of State, County, and Municipal Employees Council 25 (AFSCME) has dedicated a quarter-century of service to public employees across Michigan, to effective political activism, and to advocacy for Michigan's working families. All 60,000 members are devoted to achieving distinction and improving their working conditions through collective bargaining; and

Whereas, Twenty-five years ago, AFSCME Council 25 was formed. The merging of Detroit Council 77, Metropolitan Council 23, Flint Council 29, Council 11, and Council 12 resulted in what is now recognized as one of the strongest worker's organizations in our state. This combination made Council 25 stronger than the sum of its parts. By getting rid of duplication, reorganizing and improving services, and sheer effort, the organization evolved to better serve and represent all AFSCME members across Michigan; and

Whereas, Council 25 is organized into more than 300 local units and represents more than 600 bargaining units. Local unions have their own constitutions and officers and administer a wide variety of local affairs. The Council coordinates issues of concern, as well as provides research, legislative, legal, arbitration, organizational, educational, public relations, and other services to all AFSCME members. Every four years, a president and secretary-treasurer are elected by convention to lead the Council 25 Executive Board. Thirty-three regional vice presidents make up the balance of the Executive Board leadership; and

Whereas, Council 25 has grown and seen success under the direction of current Executive Board President Albert Garrett and Secretary-Treasurer Lawrence A. Roehrig. President Garrett began his career in labor in 1970 as a member of AFSCME Local 1329. Serving as chief steward, local president, and member of the Executive Board of former Council 77, he was elected to the Executive Board of Council 25 at the Founding Convention. In 1998, he was elected president of the Council 25 Executive Board. Secretary-Treasurer Roehrig was elected to his post in 1979. Prior to attaining that office, Mr. Roehrig worked as senior appraiser in the city of Flint Finance Department and held various offices in AFSCME Local 1600, as well as serving on the Executive Board of Councils 29 and 25. Together, these two individuals have steered the course for AFSCME Council 25 over several years and have helped to develop the effective and efficient delivery of services and staunch representation of their membership that is a hallmark of AFSCME Council 25; now, therefore, be it

Resolved by the Senate, That we hereby congratulate the American Federation of State, County, and Municipal Employees Council 25 for 25 years of exemplary service to its membership and our great state. May everyone in the organization know of our appreciation and our wishes for continued success both as an organization and for every member individually; and be it further

Resolved, That a copy of this resolution be transmitted to the AFSCME Council 25 headquarters as a symbol of our best wishes.

Senators Scott, Prusi, Bernero, Jacobs, Thomas, Clarke, Basham, Clark-Coleman, Allen, Bishop, Goschka, Toy, Cherry, Switalski, Cropsey and Brater were named co-sponsors of the resolution.

Senator Hammerstrom offered the following resolution:

Senate Resolution No. 35.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.104 of the Standing Rules of the Senate is hereby amended to read as follows:
 “2.104 COMMITTEE ON GOVERNMENT OPERATIONS

a) All appointments to office submitted by the Governor, and any other executive business, shall be referred to the Committee on Government Operations. No appointment shall be voted upon until it has been printed in the Journal.

1) Any appointment not disapproved within 60 session days after receipt shall stand confirmed (see Const. Art. 5, Sec. 6).

2) On all appointments to office reported favorably, the question shall be on advising and consenting to the appointment. On all appointments reported unfavorably or without recommendation, the question shall be on the disapproval of the appointment.

3) The vote of a majority of the Senators elected and serving by record roll call vote shall be required to approve or disapprove any appointment to office submitted by the Governor. Any appointments considered by the Senate shall be in open session, unless a majority of the Senators elected and serving shall vote in favor of an executive session (see Const. Art. 4, Sec. 19).

b) If an appointment is made at a time when the 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session. The Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

c) Effective upon written notification to the Secretary of the Senate, the chairperson of the Committee on Government Operations may request a Senate standing committee to hold hearings and make written recommendations to the Committee on Government Operations on a gubernatorial appointment or an executive order. The Senate standing committee shall adopt by committee vote a recommendation to the Committee on Government Operations.

d) ⇨ Executive orders issued by the Governor dealing with matters of executive reorganization shall be referred to the Committee on Government Operations. Any executive order dealing with matters of executive reorganization not disapproved within 60 calendar days of a regular session, or a full regular session if of shorter duration, after receipt shall stand. Unless disapproved in both Houses by a resolution concurred in by a majority of the members elected to and serving in each House, the executive order shall become effective at a date thereafter to be designated by the Governor (see Const. Art. 5, Sec. 2).

e) ⇨ Executive orders dealing with matters of appropriations or expenditure reductions shall be referred to the Committee on Appropriations (see MCL 18.1391).”

; and be it further

Resolved, That Rule 3.203 of the Standing Rules of the Senate is hereby amended to read as follows:

“3.203 REFERRAL OF BILLS AND RESOLUTIONS

a) The Senate Majority Leader shall refer all bills and joint resolutions to a standing committee no later than one Senate legislative day after being submitted to the Secretary of the Senate. The presiding officer shall announce the reference of all bills and joint resolutions.

b) A bill introduced pursuant to the timely filing of a notice of objection by the Joint Committee on Administrative Rules to a proposed administrative rule shall be read twice and placed on the Senate calendar under the order of business of General Orders (see MCL 24.245a(3)).

c) ⇨ The Senate Majority Leader may change the original referral of a bill or resolution by oral notice to the Senate or written communication submitted to the Secretary of the Senate before the end of session on the next Senate legislative day following the day of the original referral. Notices of the written communication shall be announced by the Secretary of the Senate during session and both oral and written notifications shall be printed in the Journal.

d) ⇨ It shall be in order at any time before the final passage of any bill or the adoption of any resolution to move its commitment or recommitment.

e) ⇨ The vote of a majority of the Senators elected and serving shall be required to discharge a committee from further consideration of any item referred to that committee.”

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 resolution was adopted, a majority of the members serving voting therefor.

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

By unanimous consent the Senate proceeded to the order of

Statements

Senators Goschka, George and Leland asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

I would just like to say—on behalf of what I believe is everyone in both chambers and connected with the state of Michigan—how very, very thrilled we are for the Elizabeth Smart family in the state of Utah. How thrilled we are that she was found alive yesterday. This is good news not just for the citizens of Utah, but for all Americans. We all share in the good news for the Smart family.

Senator George's statement is as follows:

I rise to comment on one of the resolutions which we adopted as part of the consent calendar today. I'm referring to Senate Resolution No. 32. It was offered by the Senator from the 17th District, regarding the formation of the Republican Party. I was proud to co-sponsor this resolution, and of course, this is something that Michigan is very proud of.

I wanted to alert my colleagues that we have a little rivalry with the state of Wisconsin over this. I wanted to explain why it is that even though Wisconsin has a claim to this, that, in fact, the Senator from the 17th District is correct in that Michigan's claim is superior to Wisconsin's, regarding the formation of the Republican Party.

The Republican movement spread as a result of anti-slavery factions that coalesced. There was a meeting in Wisconsin that took place in March of 1854 to form a county Republican Party, but it was not until the great state of Michigan later in 1854 formed a statewide Republican Party that, in fact, we had our first state Republican Party. As the resolution points out, this officially took place on July 6, 1854.

However, the resolution omits a very important piece of information. That is, in the string of events that led to the official adoption of the Republican name in Jackson, there was first a meeting that was held in June of 1854 in the great city of Kalamazoo to plan the Jackson meeting. So while it is true that Michigan is the birthplace of the first statewide Republican Party, in fact, the chain of events that led to the formation of the party began in my district in Kalamazoo. That meeting took place on June 21, 1854, and set the stage for the meeting that would take place a month later in Jackson.

Senator Leland's statement is as follows:

Monday is St. Patrick's Day, and I always like to take a moment around this time of the year to remember a very near and good friend of mine—great Irish American—by the name of Thomas Lawton.

Tom, as many of us know, especially some of the old timers around here, he was my very best friend. Not only did he work for me, he worked for Art Miller as a political director, he worked for Congressman Sandy Levin, Sheriff Ficano, and a couple Speakers. He was an outstanding person, a great staff employee, a very good friend of mine, and there's not a day in my life that goes by when my wife Rosanne and I don't think fondly of him.

We're thinking about you, Tommy, and we'll be by your gravesite to visit with you real soon.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Cherry, Kuipers, Jacobs, Bernero, Goschka, Van Woerkom, Allen and Olshove introduced **Senate Bill No. 294, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1303 (MCL 380.1303), as amended by 1995 PA 289.

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

Senators Basham, Bernero, Clark-Coleman, Birkholz and George introduced

Senate Bill No. 295, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), sections 1 and 2 as amended by 1988 PA 314 and section 4 as amended by 1992 PA 272.

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

Senators Gilbert, Garcia, Allen, Hammerstrom, Van Woerkom, George, Jelinek, Goschka, Birkholz, Cropsey, Johnson, Jacobs, Hardiman, Bernero, Clarke and Kuipers introduced

Senate Bill No. 296, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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

Senators Gilbert, Garcia, Allen, Hammerstrom, Van Woerkom, George, Jelinek, Goschka, Birkholz, Cropsey, Johnson, Jacobs, Hardiman, Bernero, Clarke and Kuipers introduced

Senate Bill No. 297, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 418a.

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

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 150, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 78106, 78108, 78110, 78115, and 79112 (MCL 324.78106, 324.78108, 324.78110, 324.78115, and 324.79112), sections 78106, 78108, and 79112 as added by 1995 PA 58 and section 78110 as amended and section 78115 as added by 1998 PA 210.

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.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 11, 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. 258, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

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, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, March 11, 2003, at 1:00 p.m., Room 210, Farnum Building

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

Absent: Senator Bishop

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 12, 2003, at 1:00 p.m., Room 110, Farnum Building

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

Excused: Senator Garcia

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Wednesday, March 12, 2003, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Hammerstrom (C), Patterson, George, Bernero and Jacobs

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, March 12, 2003, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Cropsey, Jelinek, McManus, Prusi, Barcia, Cherry and Switalski

Excused: Senators Garcia, Hardiman, George, Scott and Clarke

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

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

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

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

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

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

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

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

Government Operations - Tuesday, March 18, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-0797)

Natural Resources and Environmental Affairs - Tuesday, March 18, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:33 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, March 18, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate