

**No. 14**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, February 12, 2004.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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—excused  
Toy—present  
Van Woerkom—present

Pastor Greg Finke of Messiah Lutheran Church of Midland offered the following invocation:

Dear Father, I do take this honor seriously of invoking Your name, seeking Your presence for this group of men and women who have been entrusted with important deliberations and decisions. Lord God, just indeed may they drink deeply of Your presence and love this day. May they trust that You are the source of all wisdom, and as they trust You and each other, that they will come to good decisions that will bless this state and the people they represent. Into Your hands we deliver them. Into Your hands we deliver this day. In Jesus' name we pray. Amen.

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

### Motions and Communications

Senators Cropsey and Emerson entered the Senate Chamber.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

Senator Schauer moved that Senator Thomas be excused from today's session.  
The motion prevailed.

Senator Hammerstrom moved that rule 3.902 be suspended to allow guests of Senator Birkholz admittance to the Senate floor.

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

Senators Birkholz and Hammerstrom asked and were granted unanimous consent to make a statement and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Birkholz's statement is as follows:

It's my honor as Brent's Senator to congratulate him and to tell him how proud we are of him and the work that he has done and his recent law school graduation. As you all know, we honored him earlier for that and his passing of the bar. Now he is going to go into private practice in Eaton County, and his wonderful parents are here with us today—a surprise to Brent—Jean and Coy Morton, who are very involved community members in Eaton County.

Brent came into this life with a little bit of a challenge. He worked hard, struggled, and has earned so many accolades that we can't even mention them all here today. We are very proud of him and his achievements. We are very proud of his parents who have been loving, guiding, behind him all the way and working with him.

We wish him the best.

Senator Hammerstrom's statement is as follows:

I want to recognize the fact that Brent will be leaving us in the Senate and going on to, I don't know if it is bigger and better things, but going on to different things—we'll put it that way. We want to recognize him today because of his 8 1/2 years of tenure in the Office of the Secretary of the Senate as a Session Journal Clerk. He is the one who is responsible for making sure that what goes into the Journal every day is accurate and that it reflects what actually happens on this floor. As many of you know, sometimes that isn't always an easy task to do. So we recognize the great job that he has done over the years. He is indeed the epitome of what a team player is. He will be missed by all of his co-workers and all of us here in the Senate. We absolutely wish you the very best, Brent. It has been a pleasure working with you.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 11:

**House Bill Nos. 5023 5087**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 11, and are available at the legislative Web site:

**Senate Bill Nos. 968 969 970 971 972**

**Senate Joint Resolution H**

**House Bill Nos. 5493 5494 5495 5496 5497 5498 5499 5500 5501 5502 5503 5504 5505 5506  
5507 5508**

### Messages from the Governor

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

**Senate Bill No. 195**  
**Senate Bill No. 364**  
**Senate Bill No. 293**  
**Senate Bill No. 265**  
**Senate Bill No. 288**  
**Senate Bill No. 540**  
**Senate Bill No. 283**  
**Senate Bill No. 464**  
**Senate Bill No. 466**  
**Senate Bill No. 395**  
**Senate Bill No. 474**  
 The motion prevailed.

The following message from the Governor was received and read:

February 10, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 3 of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.363:

#### **Fire Fighters Training Council**

Mr. Randal J. Agruda of 3879 Pleasant Ridge Drive, Williamsburg, Michigan 49690, county of Grand Traverse, succeeding Thad Taylor, whose term has expired, representing the Michigan Townships Association and the Michigan Municipal League, for a term commencing February 10, 2004 and expiring December 31, 2006.

Mr. Dan H. Henderson of 540 Lake Drive, Holland, Michigan 49423, county of Ottawa, succeeding Ken Eagle, whose term has expired, representing active members of the Michigan Fire Chief's Association, for a term commencing February 10, 2004 and expiring December 31, 2006.

Mr. Clifford A. Messing of 8826 East Huron Line Road, Ruth, Michigan 48470, county of Sanilac, succeeding Michael Burke, whose term has expired, representing the Michigan State Firemen's Association, for a term commencing February 10, 2004 and expiring December 31, 2006.

Mr. Kevin V. Pirlot of 603 West Fleshiem Street, Iron Mountain, Michigan 49801, county of Dickinson, succeeding Terrence Chesney, whose term has expired, representing active firefighters of the Michigan State Fire Fighter's Association, for a term commencing February 10, 2004 expiring December 31, 2006.

Mr. William D. Anderson of 22655 Cedar Court, Hazel Park, Michigan 48030, county of Oakland, reappointed to represent the Metropolitan Club of America, Inc., for a term expiring December 31, 2006.

Sincerely,  
 Jennifer M. Granholm  
 Governor

The appointments were referred to the Committee on Government Operations.

The following bill was announced:

#### **Senate Bill No. 687, entitled**

An act to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending section 9 (MCL 45.559), section 9 as amended by 1980 PA 100, and by adding section 9a.

(For veto message, see Senate Journal No. 99 of 2003, p. 2114.)

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that the veto message be referred to the Committee on Local, Urban and State Affairs. The motion prevailed.

The President pro tempore, Senator Birkholz, resumed the Chair.

### Messages from the House

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

**Senate Bill No. 506**

**Senate Bill No. 557**

**Senate Bill No. 806**

**Senate Bill No. 502**

**Senate Bill No. 57**

**Senate Bill No. 497**

**Senate Bill No. 498**

**Senate Bill No. 499**

**Senate Bill No. 500**

**Senate Bill No. 715**

The motion prevailed.

#### **Senate Bill No. 252, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113) and by adding sections 3120 and 3121.

(For Conference Report, see Senate Journal No. 12, p. 126.)

The House of Representatives has adopted the report of the Committee of Conference.

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

#### **Senate Bill No. 275, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686), as amended by 2003 PA 93.

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.

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 full title.

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

#### **Senate Bill No. 780, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2003 PA 20.

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.

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 full title.

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

By unanimous consent the Senate proceeded to the order of

### **General Orders**

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Bishop as Chairperson.

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

#### **House Bill No. 5244, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendments, the following bill:

**Senate Bill No. 882, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 710d (MCL 257.710d), as amended by 1999 PA 29.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 2, line 1, after “**driver,**” by inserting “**other than in a jump seat of a pickup,**”.
2. Amend page 2, line 2, after “**seat.**” by inserting “**A child may be positioned in a child restraint system in a front seat if all rear seating positions are occupied by children in child restraint systems.**”.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Hammerstrom moved that the Committee on Appropriations be discharged from further consideration of the following bill:

**House Bill No. 5029, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 40103 (MCL 324.40103), as amended by 2000 PA 191, and by adding section 40110a.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Hammerstrom moved that the bill be referred to the Committee on Judiciary.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of  
**Third Reading of Bills**

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

**House Bill No. 5244**

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

The following bill was read a third time:

**House Bill No. 5244, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 9b (MCL 211.9b), as amended by 2003 PA 274.

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. 52**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4276, entitled**

A bill to establish Holocaust remembrance week 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. 53****Yeas—37**

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

**Nays—0****Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

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.

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

The motion prevailed.

Senator Jacobs' statement is as follows:

I rise in support of House Bill No. 4276. This bill establishes the 27th day of Nisan in the Hebrew calendar as Holocaust Remembrance Day, and the period beginning the Sunday before that day through the following Sunday is the days of remembrance in Michigan. I would like my colleagues to know that this date was chosen to correspond with the date of April 19, 1943, which began the Warsaw Ghetto Uprising. I think this bill is particularly important as folks understand that there is now a huge increase in anti-Semitism in countries in Europe, particularly in France, these days. Next month, the new Holocaust memorial center will open its doors in my district, and I hope to invite all of you after it opens officially to come and visit this educational center. Again, I encourage everyone's support of this very important bill.

The following bill was read a third time:

**House Bill No. 4463, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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. 54**

**Yeas—31**

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

**Nays—6**

Brater	Emerson	Scott	Switalski
Clarke	Leland		

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control

of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5183, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 18e.

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. 55**

**Yeas—36**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—1**

Jelinek

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to



provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5009, entitled**

A bill to amend 1953 PA 192, entitled “An act to create a county department of veterans’ affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers’ relief commission in such counties,” by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

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. 56**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

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.

The following bill was read a third time:

**House Bill No. 5179, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 662 (MCL 168.662), as amended by 1999 PA 216.

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. 57****Yeas—37**

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

**Nays—0****Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

Senator Hammerstrom moved that the bill be given immediate effect.

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

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

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4720, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 263 (MCL 18.1263).

The question being on the passage of the bill,

Senator Clark-Coleman offered the following amendment:

1. Amend page 2, line 9, after “**academies,**” by striking out “**nonpublic schools,**”.

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

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 58****Yeas—30**

Allen	Cropsey	Johnson	Sanborn
Barcia	Garcia	Kuipers	Schauer

Birkholz	George	Leland	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Switalski
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clarke	Jelinek		

**Nays—7**

Basham	Brater	Emerson	Scott
Bernero	Clark-Coleman	Jacobs	

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4722, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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. 59****Yeas—37**

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer

Bernero  
Birkholz  
Bishop  
Brater  
Brown  
Cassis  
Cherry

Emerson  
Garcia  
George  
Gilbert  
Goschka  
Hammerstrom

Johnson  
Kuipers  
Leland  
McManus  
Olshove  
Patterson

Scott  
Sikkema  
Stamas  
Switalski  
Toy  
Van Woerkom

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: Birkholz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

### **Resolutions**

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

**Senate Resolution No. 175**

**Senate Resolution No. 139**

The motion prevailed.

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

**Senate Resolution No. 215**

The resolution consent calendar was adopted.

Senators Hardiman, Birkholz, Cassis and Cropsey offered the following resolution:

**Senate Resolution No. 215.**

A resolution supporting President George W. Bush’s Healthy Marriage Initiative.

Whereas, Marriage, one of our most fundamental institutions, strengthens our society when two people enter a mutual, lifelong agreement to support each other in sickness, difficult financial times, and old age; and

Whereas, Marriage enriches the couple, their children, and the community around them by providing opportunities to extend love, support, understanding, and mutual cooperation; and

Whereas, Couples and children blessed with healthy marriages tend to engage in less risky behavior, enjoy better physical and mental health, be more financially secure, and attain higher levels of education and employment; and

Whereas, President George W. Bush has announced a Healthy Marriage Initiative to highlight programs teaching marriage skills and education, promote marriage mentoring and enrichment programs, reduce disincentives to marriage, and promote the value of marriage to our culture; and

Whereas, Because the President launched the Healthy Marriage Initiative, the Michigan House of Representatives and the Michigan Senate appropriated \$750,000 to fund a marriage initiative in Michigan; and

Whereas, Marriage is both a personal, private relationship and a public commitment licensed by the state of Michigan; and

Whereas, Many of the expenditures by the state are closely tied to people harmed by failed or never formed marriages, and any long-term strategy for reducing dependency on state social services and ensuring economic growth must include a strategy for encouraging healthy marriages; and

Whereas, February 7-14, 2004, is being celebrated throughout the nation as Marriage Week USA; now, therefore, be it

Resolved by the Senate, That we hereby call on the President of the United States, elected officials at every level, and citizens of all walks of life to determine during Marriage Week USA, and particularly on Valentine's Day, to consider ways they can strengthen their own marriages and support the marriages of others throughout the state of Michigan and across the country; and be it further

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

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

#### **Senate Resolution No. 211.**

A resolution to recognize and commend railroads and the United Transportation Union operating in the state of Michigan for improving their safety and efficiency by taking advantage of the innovative technology used for remote-controlled locomotives.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Gilbert, Patterson, Goschka, McManus, Allen, Olshove, Kuipers, Van Woerkom, Birkholz and Sanborn offered the following resolution:

#### **Senate Resolution No. 214.**

A resolution to urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River.

Whereas, The recent accidental release of more than 40,000 gallons of chemical solvents from an oil plant near Sarnia, Ontario, has again focused attention on the vulnerability of the water supply in this highly populated area. While steps for notification have at times proven effective in preventing serious public health situations, the fact remains that there is considerable risk to area residents due to the frequency of spills of harmful materials; and

Whereas, Since 1986, there have been more than 700 spills into the St. Clair River. Some have been accidents involving substances capable of causing serious harm. With the number of water intake facilities along the river and lake, it seems imperative to develop an additional means of safeguarding citizens to supplement the notification processes that are in place; and

Whereas, Developing a real-time monitoring system at strategic locations along Lake St. Clair and the St. Clair River could provide a higher level of protection. Doing so with a pilot project funded through the Great Lakes Legacy Act could eventually benefit other vulnerable areas of our state and the Great Lakes network; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Environmental Quality and the Office of the Great Lakes to work with the EPA Great Lakes National Program Office to develop a pilot project, using a portion of the Great Lakes Legacy Act funding, to provide real-time monitoring of water quality for Lake St. Clair and the St. Clair River to protect people and the environment from spills of harmful materials; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Environmental Quality and the Office of the Great Lakes.

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 Bishop, Brown, Cassis, Clarke, Jelinek and Switalski were named co-sponsors of the resolution.

By unanimous consent the Senate proceeded to the order of  
**Statements**

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

The motion prevailed.

Senator George's statement is as follows:

I wanted to take this opportunity to point out that this year would be the 150th anniversary of the birth of a new political party in Michigan. The Republican Party was created in the state of Michigan in July of 1854. So we have that anniversary approaching, and I wanted to take advantage of the opportunity today to explain that when this event occurred on July of 1854, it wasn't just a spontaneous event, a crowd turning out in Jackson to form this party, but rather it was the result of a long series of events and processes that had occurred in Michigan. They had begun in February of 1854, 150 years ago this month. That is why I rise today, Madam President, to explain the events of this month 150 years ago that were so important in our state's history and in our national history.

It was 150 years ago that the federal Congress was debating the Kansas-Nebraska Act, the proposal to allow new territories to choose for themselves whether they would be slave or free. In fact, that proposal itself had a Michigan origin. The proposal came from Lewis Cass, Michigan's Territorial Governor, who was then serving in the Senate. It had been taken up by Steven Douglas and put in the Kansas-Nebraska statehood bill in January of 1854. This led to a series of meetings in Michigan staged to protest the Kansas-Nebraska Act, staged to protest this possibility that slavery could move northward. Those meetings began in February of 1854. They were held in communities around mostly southern Michigan. They were held in Albion, Detroit, Jackson, and Kalamazoo. They were largely held to gather signatures for petitions admonishing Michigan's congressional representatives to oppose the Kansas-Nebraska Act. It was from this series of meetings that the idea came up for a merger of political parties. Probably the most important of those meetings in February of 1854 was one that actually occurred in Jackson, Michigan, and it was February 22. It was the convention of the Free Democrats.

The Free Democrats were a branch of the Democratic Party that also opposed the extension of slavery. They had a convention in February of 1854, where they selected their candidates for the state ticket that they would run that fall. Madam President, we have our conventions; they'll be held this summer. We'll have them in August to select our candidates, and imagine at that time, they had the convention in February—that early in the year. They selected their nominees and they entered their slate. I mention this because it created an interesting and challenging problem then for the merger that would take place. How would the Free Democrats then later merge with the Whigs and the Liberty Party people in Jackson in 1854 in July if they had already selected their slate of candidates earlier in the year? It created a logistical problem. It generated further discussion on the issue of slavery.

On the same day, February 22, 1854, a meeting of Whig newspaper editorialists occurred in Jackson, while the Free Democrat convention was taking place. At those simultaneous meetings, there was some interaction between the parties, and there was discussion of a possible merger of the two parties. So the seeds were sown for the coming together of the anti-slavery groups in February of 1854 and would lead to the formation of this new political party. The party would go on to become a national party, and it was the same individuals who would then invite Abraham Lincoln, whose birthday is today, to come to Michigan to speak in 1856.

So, Madam President, this whole series of events can be traced back to 150 years ago this month.

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senator Stamas introduced  
**Senate Bill No. 974, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act," by amending section 6 (MCL 38.1306), as amended by 1995 PA 272.

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

Senators Patterson, Cropsey, Johnson, Hammerstrom, Sikkema, Van Woerkom, Kuipers, Allen, Birkholz, Bishop, Goschka, Toy, George and Stamas introduced

**Senate Bill No. 975, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 520n.

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

Senators Clark-Coleman, Basham, Switalski, Thomas, Prusi, Leland, Brater, Clarke, Scott, Olshove, Cherry and Emerson introduced

**Senate Bill No. 976, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10t (MCL 460.10t), as added by 2000 PA 141.

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

Senators Gilbert, Patterson, Switalski, McManus, Allen, Olshove, Kuipers, Van Woerkom, Birkholz, Goschka and Sanborn introduced

**Senate Bill No. 977, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3111b.

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

Senators Brown, Garcia and Goschka introduced

**Senate Bill No. 978, entitled**

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2002 PA 244.

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

Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 979, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

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

Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 980, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 309 (MCL 257.309), as amended by 2002 PA 534.

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

Senators Thomas, Leland, Schauer and Hardiman introduced

**Senate Bill No. 981, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

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

Senators Bishop, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 982, entitled**

A bill to amend 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women

appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies,” by amending section 10 (MCL 51.360).

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

Senators Hammerstrom, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 983, entitled**

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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

Senators Hammerstrom, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 984, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” by amending section 5 (MCL 722.115), as amended by 1998 PA 519.

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

Senators Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 985, entitled**

A bill to amend 1935 PA 1978, entitled “An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

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

Senators Brater, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 986, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 2843 (MCL 333.2843), as amended by 2002 PA 691.

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

Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 987, entitled**

A bill to amend 1974 PA 369, entitled “An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties,” by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

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

Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 988, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 805a, 806b, 810, 811, and 812 (MCL 339.805a, 339.806b, 339.810, 339.811, and 339.812), sections 805a, 810, 811, and 812 as amended and section 806b as added by 1995 PA 217.

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

Senators Patterson, Kuipers, Goschka, Leland, Schauer and Hardiman introduced

**Senate Bill No. 989, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20950 (MCL 333.20950), as amended by 2000 PA 375.

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



Senators Bishop, Patterson and Cropsey introduced

**Senate Bill No. 990, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5856 (MCL 600.5856), as amended by 1993 PA 78.

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

Senator Allen introduced

**Senate Bill No. 991, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending section 2 (MCL 331.2).

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

**House Bill No. 5023, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as amended by 2003 PA 170.

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

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

**House Bill No. 5087, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1179 (MCL 380.1179), as added by 2000 PA 10.

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

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

### Committee Reports

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Natural Resources submitted the following:

Meeting held on Tuesday, February 10, 2004, at 12:55 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building  
Present: Senators McManus (C), Johnson, Jelinek, Barcia and Cherry

#### COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Joint meeting held on Tuesday, February 10, 2004, at 4:00 p.m., State Board Room, 4th Floor, Hannah Building  
Present: Senators Jelinek (C), Cropsey, Brown, Switalski and Scott

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on Wednesday, February 11, 2004, at 8:00 a.m., Rooms 402 and 403, Capitol Building  
Present: Senators Van Woerkom (C), Gilbert, Jelinek, Brater and Thomas

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 11, 2004, at 1:00 p.m., Room 110, Farnum Building

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, February 11, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Cassis, Olshove and Leland

Excused: Senators Brown and Bernero

### COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, February 11, 2004, at 3:00 p.m., Room H-428, Capitol Building

Present: Senators Bishop (C), Jelinek, Kuipers, Barcia and Thomas

### Scheduled Meetings

**Agriculture, Forestry and Tourism** - Thursday, February 19, 8:00 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Wednesday, February 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

#### Subcommittees -

**Capital Outlay** - Wednesday, February 18, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Community Health Department** - Thursdays, February 19, 2:00 p.m., Rooms 402 and 403, Capitol Building; February 26, March 4 and March 18, 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-7946)

**Environmental Quality Department** - Wednesdays, March 3, March 10 and March 17, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Higher Education** - Fridays, February 20, 10:00 a.m., Oakland University, Rochester; February 27, 10:00 a.m., University of Michigan-Flint, Flint; March 5, 10:00 a.m., Cornerstone University, Grand Rapids; and March 12, 9:00 a.m., Lake Superior State University, Sault Ste. Marie (373-1760)

**Judiciary and Corrections** - Tuesdays, February 17, February 24, March 2, March 9 and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

**K-12, School Aid, Education** - Thursday, February 26, 12:00 noon, and Wednesday, March 3, 2:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Natural Resources Department** - Tuesdays, March 2, March 9 and March 16, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**State Police and Military Affairs and House State Police/Military and Veterans Affairs** - Thursday, February 26, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

**Banking and Financial Institutions** - Friday, February 13, 12:00 noon, Fairlane Club, 5000 Fairlane Woods Drive, Dearborn (373-2417)

**Natural Resources and Environmental Affairs** - Tuesday, February 17, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Technology and Energy** - Wednesday, February 18, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:15 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Tuesday, February 17, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

