

No. 61
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, June 19, 2003.

10:00 a.m.

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

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

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

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

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

Senator Tony Stamas of the 36th District offered the following invocation:

Dear Heavenly Father, we come before You this day humbled by Your power and authority. We understand, dear Lord, that You are the author and Creator of life and that through You we are given wisdom and discernment to make the difficult and necessary decisions placed before us today. We thank You for Your lovingkindness, mercy, and most of all, grace.

I ask that You bless this body today, Lord, that You give us an extra measure of Your wisdom and grace as we embark upon our duty and responsibility to You and to our great state.

Again, we thank You, Lord, and ask these things in Your name. Amen.

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

Motions and Communications

Senators Olshove and Johnson entered the Senate Chamber.

The following communication was received:

Office of the Auditor General

June 18, 2003

Enclosed is a copy of the following audit report and/or report summary:

Financial Audit, Including the Provisions of the Single Audit Act, of the Department of State, October 1, 2000 through September 30, 2002.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The following communication was received and read:

Office of the Senate Majority Leader

June 18, 2003

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committees listed below:

Senate Bill 285: Senator Garcia, Senator George and Senator Prusi

Senate Bill 286: Senator Garcia, Senator Hardiman and Senator Prusi

Senate Bill 270: Senator Garcia, Senator McManus and Senator Switalski

Respectfully yours,
Ken Sikkema
Senator Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, June 18:
House Bill Nos. 4601 4732 4733 4735 4736 4741 4743 4745 4746 4748 4749 4750

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, June 18:

Senate Bill Nos. 591 592

House Bill Nos. 4845 4846 4847 4848 4849 4850 4851 4852 4853

Recess

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

The motion prevailed, the time being 10:04 a.m.

11:54 a.m.

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

During the recess, Senators Brown, Jelinek, Thomas, Leland, Birkholz, Emerson and Bernero entered the Senate Chamber.

Senator Hammerstrom moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

- Senate Bill No. 574**
- Senate Bill No. 575**
- Senate Bill No. 589**

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

By unanimous consent the Senate proceeded to the order of
Messages from the House

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

- Senate Bill No. 239**
- Senate Bill No. 395**
- House Bill No. 4238**
- Senate Bill No. 236**
- Senate Bill No. 237**
- Senate Bill No. 238**
- Senate Bill No. 425**

The motion prevailed.

Senate Bill No. 22, entitled

A bill to amend 1939 PA 280, entitled “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,” (MCL 400.1 to 400.119b) by adding section 106a.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 266

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Prusi

In The Chair: President

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

Senate Bill No. 461, entitled

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 807, 808, 821, and 822 (MCL 600.807, 600.808, 600.821, and 600.822), section 807 as amended by 2002 PA 715 and sections 821 and 822 as amended by 2002 PA 92.

Substitute (H-1).

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 267**Yeas—37**

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

Nays—0**Excused—0****Not Voting—1**

Prusi

In The Chair: President

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

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

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

The motion prevailed.

Senator Stamas' statement is as follows:

I'm here with the Senate Majority Leader and our distinguished Appropriations chair, and we ask our colleagues to join us in recognizing and thanking a very good friend, John Walker, who is retiring, sadly, from the Senate Fiscal Agency, although I know that he has a lot of adventures ahead for himself and for his family. John has served our nation and our state. As a young man, he served as a marine, and as I've learned, he's not a former marine, but he is retired from the Marines because you're never a former marine.

John came to work here as a health care cost analyst for the Senate Fiscal Agency. Through his continuous work and dedication, he has moved through the ranks and is now a leading voice in terms of guiding the direction our state takes in terms of serving the residents of this great state.

It's with distinct pleasure and distinct honor that I join here today with our Senate Majority Leader, our Senate Appropriations chair, I believe former Senator Joel Gougeon is around here somewhere, and I join his fellow analysts and also his family. Senator Gougeon is up in the east Gallery, and I also ask that his family who are here today to please rise. I ask that we all just take a moment to thank John for his service to our nation and to our state for the tremendous work he has done, and I know he will continue to do in the years ahead.

Senator Leland's statement is follows:

This is a bittersweet day for me. Amy Baumanis, the young lady standing beside me, has worked for the Senate for the last four years. Some of you may have remembered Amy when she was a Senate page in 1999, my first year in the Senate. After her tour of duty was up as a page, she went on to become my intern and then my half-time employee while attending Michigan State University, where she recently graduated with honors this spring.

I have known Amy for literally all her life. Her parents, the late Andy and Elizabeth Baumanis, were very near and dear friends of mine. I'm sure they're looking down here today as proud of Amy as I am that she has done such a marvelous job in school, academically, and working in the Senate. By the way, she will be going off to Chicago to become a public school teacher where she will continue to do good things for people.

I can't tell you how grateful I have been to her for the last few years of service in my office. For those who know me know that I run kind of a loose office, and Amy, on many occasions, has been the glue that has held us together over the years. I'm gonna miss you very much, Amy, and I know you're gonna do great things. I just hope that nothing but happiness comes to your life forever and ever.

I want to present Amy with a tribute, a resolution of appreciation and thanks signed by myself and Governor Granholm, and may fame and fortune be yours always.

Senator Bernero's statement is as follows:

Apparently, this is the day to appreciate and recognize some of our employees who toil quietly in the background. I, too, would like to honor one of the special people who operate behind the scenes. Angela Smith is a constituent of mine, lives in Lansing, and she is retiring after nine years. She's moving on after nine years on the Senate Session Staff. These are the folks who make us look good, who decipher the scribbblings on the back of those bluebacks, which has got to be a challenge—I know it must be in my case—and really turn things around, sometimes amazingly fast under tremendous pressure.

Angela is described by her co-workers as kind, compassionate, and considerate. And performing under pressure like she does, that is a high tribute. She will be moving south to enjoy a little more warmth. I guess you'll have to be visited by your son there—her son is a model in Los Angeles, but her daughter is in Texas. We will miss you and hope that you bring us some sunshine on occasion. I have a special tribute to present to you signed by myself and the Governor.

By unanimous consent the Senate proceeded to the order of

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. 512

Senate Bill No. 513

Senate Bill No. 578

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 512, entitled

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), section 19 as amended by 2002 PA 325, and by adding sections 12a and 12b.

The question being on the passage of the bill,

Senators Jelinek and Jacobs offered the following amendment:

1. Amend page 34, following line 13, by inserting:

"(5) A prepaid contract may not be canceled or refunded after the death of the contract beneficiary except under circumstances where there are no remains of the deceased contract beneficiary or if the remains of the deceased contract beneficiary cannot be recovered. Contracts may be upgraded after the death of the contract beneficiary by a person on behalf of the contract beneficiary's estate or by a person entitled to make funeral or cemetery arrangements. This does not prevent the transfer of a contract from 1 provider to another provider upon the request of those entitled to make funeral arrangements."

The amendment was adopted, 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. 268**Yeas—36**

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

Nays—0**Excused—0****Not Voting—2**

Bishop

Emerson

In The Chair: President

Senator Patterson offered to amend the title to read as follows:

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), section 19 as amended by 2002 PA 325.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 513, entitled

A bill to amend 1986 PA 255, entitled "Prepaid funeral contract funding act," by amending the title and sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, and 24 (MCL 328.211, 328.213, 328.214, 328.215, 328.216, 328.217, 328.218, 328.219, 328.220, 328.221, 328.222, 328.223, 328.224, 328.225, 328.226, 328.228, 328.229, 328.230, 328.231, 328.232, 328.233, and 328.234), section 19 as amended by 2002 PA 325, and by adding sections 12a and 12b.

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. 269

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

Emerson

In The Chair: President

Senator Patterson offered to amend the title to read as follows:

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending the title and sections 2, 8, 9, 10, 12, 12a, 13, 15, 16, 18, 19, and 21 (MCL 456.522, 456.528, 456.529, 456.530, 456.532, 456.532a, 456.533, 456.535, 456.536, 456.538, 456.539, and 456.541), the title and sections 2, 8, 12, 12a, 13, 15, 16, 18, 19, and 21 as amended by 1982 PA 132, section 9 as amended by 2002 PA 550, section 10 as amended by 1982 PA 289, and by adding section 16a.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

Senate Bill No. 578, entitled

A bill to establish American heroes 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. 270**Yeas—38**

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

Nays—0**Excused—0****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

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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4400, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 27, following line 24, by inserting:

“Sec. 706. As a condition of expenditure of appropriations under part 1 for state parks, the department shall not enter into a lease, concession, or other agreement for the operation of a farm on state park property with a party that has an annual operating budget of less than \$100,000.00, that employs fewer than 2 full-time equated individuals, or that has been recognized by the United States government as a 501(c) tax-exempt organization by issuance of an internal revenue service letter of final determination. The party must be licensed to solicit donations under the charitable organizations and solicitation act, 1975 PA 169, MCL 400.271 to 400.294, and must provide a financial statement audited or reviewed by a certified public accountant to the department at the time the lease, concession, or agreement is awarded.

Sec. 707. The department shall collaborate with the department of history, arts, and libraries to begin implementation of the department of natural resources’ recommendations for a system of water trails in the state as part of the statewide recreation plan.”.

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

By unanimous consent the Senate returned 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. 4400

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

The following bill was read a third time:

House Bill No. 4400, entitled

A bill to make appropriations for the department of natural resources for the fiscal years ending September 30, 2003 and September 30, 2004; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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. 271

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4393, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain

reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

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

1. Amend page 12, line 22, after “discharge—” by striking out “26.0” and inserting “31.0”.
2. Amend page 12, line 22, by striking out “1,309,700” and inserting “1,821,500”.
3. Amend page 12, line 24, after “program—” by striking out “116.4” and inserting “121.4”.
4. Amend page 12, line 24, by striking out “8,401,100” and inserting “8,827,600”.
5. Amend page 13, line 14, by striking out “1,388,200” and inserting “1,900,000”.
6. Amend page 13, line 16, by striking out “3,098,000” and inserting “3,524,500”.
7. Amend page 14, following line 19, by inserting:
 “Grants to counties - water quality monitoring \$ 1,700,000”.
8. Amend page 15, following line 8, by inserting:
 “Cleanup and redevelopment fund..... \$ 1,700,000”

and adjusting the subtotals, totals, and section 201 accordingly.

9. Amend page 25, following line 4, by inserting:

“Sec. 503. By September 30, the department shall prepare and submit a report to the state budget director, the legislature, the chairs of the standing committees of the senate and house of representatives with primary responsibility for issues related to natural resources and the environment, and the chairs of the subcommittees of the senate and house appropriations committees with primary responsibility for appropriations for the department of environmental quality, outlining the implementation of the Great Lakes water quality bond, 2002 PA 397, MCL 324.19701 to 324.19708, including, but not limited to, the amount of bonds issued and the date they were issued, the number of applications received for loans from the state water pollution control revolving fund created in section 16a of the shared credit rating act, 1985 PA 227, MCL 141.1066a, the total amount of loans requested, a listing of the applicants receiving loans and the total amount of loans provided to those applicants, a listing of applicants whose loan applications were not approved and the reasons why those applications were not approved, the amount of the loans granted that were paid from bond proceeds, and the remaining bond proceeds and bond authorization.”.

10. Amend page 27, following line 4, by inserting:

“Sec. 704. The department shall work with local stakeholders to identify the sources of contamination in the Ruddiman Creek watershed and shall submit an application for federal funding pursuant to the Great Lakes legacy act of 2002, title I of the Great Lakes and Lake Champlain act of 2002, Public Law 107-303, 116 Stat. 2355, for this sediment cleanup project when the application process is opened.”.

11. Amend page 27, following line 4, by inserting:

“WASTE AND HAZARDOUS MATERIALS

Sec. 801. The department shall place a priority on inspections of landfills, which receive waste in excess of 3,000 tons per day.

Sec. 802. By February 1, the department shall submit to the chairpersons of the senate and house of representatives standing committees on appropriations, the chairpersons of the senate and house appropriations subcommittees on environmental quality, the state budget director, and the senate and house fiscal agencies a report on out-of-state waste disposed of in landfills in this state. The report shall include, but not be limited to, the amount, type, and state of origin for all out-of-state waste.”.

12. Amend page 28, following line 5, by inserting:

“Sec. 908. Of the appropriation in part 1 for NPDES nonstormwater program, at least \$426,500.00 is for compliance activities.

Sec. 909. By February 1, the department shall submit a report on the department’s use of the national pollutant discharge elimination system fund created in MCL 324.3121 for the previous fiscal year, to the senate and house appropriations subcommittees on environmental quality and natural resources, the standing committees of the legislature with jurisdiction over issues primarily related to natural resources and the environment, and the senate and house fiscal agencies. The report shall include a summary of how the appropriations in part 1 for NPDES nonstormwater program were used for the various permissible uses of the fund and shall include specific information on all of the following:

- (a) The number of compliance and complaint inspections completed, by category, the number of on-site compliance inspections conducted, and the number of compliance inspections that were not announced in advance to the permittee or licensee.
- (b) The number and percent of permit and license inspections that were found to be in significant noncompliance, by category.
- (c) The number of administrative enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(d) The number of judicial enforcement actions taken for permit or license violations and the results of the enforcement actions, including the amount of fines and penalties collected.

(e) A listing of the supplemental environmental projects agreed to as a result of a consent agreement including all of the following: the case name, the monetary value of the supplemental environmental project, and a description of the project.”.

13. Amend page 29, following line 7, by inserting:

“Sec. 1104. Of the money appropriated in part 1 for grants to counties - water quality monitoring, \$700,000.00 is for the city of St. Clair Shores for dredging of contaminated canals and \$1,000,000.00 is to establish and operate a comprehensive monitoring program to protect and manage the environmental quality of the St. Clair River, Lake St. Clair, and the Clinton River watershed, consistent with the appropriation made for this purpose in section 1205 of 2002 PA 520.”.

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

By unanimous consent the Senate returned 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. 4393

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

The following bill was read a third time:

House Bill No. 4393, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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. 272

Yeas—36

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

Nays—0

Excused—0

Not Voting—2

Emerson Jelinek

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the title of the bill.

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

By unanimous consent the Senate returned 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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 574, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81115, 81116, 81117, 81125, and 81129 (MCL 324.81101, 324.81115, 324.81116, 324.81117, 324.81125, and 324.81129), section 81101 as amended by 1998 PA 86, sections 81115, 81117, 81125, and 81129 as added by 1995 PA 58, and section 81116 as amended by 1995 PA 99; and to repeal acts and parts of acts.

Substitute (S-1).

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 a substitute therefor, the following bill:

Senate Bill No. 575, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2002 PA 679.

Substitute (S-1).

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 a substitute therefor, the following bill:

Senate Bill No. 589, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2002 PA 562.

Substitute (S-1).

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.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 574

Senate Bill No. 575

Senate Bill No. 589

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

The following bill was read a third time:

Senate Bill No. 574, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81115, 81116, 81117, 81118, 81125, 81129, and 81130 (MCL 324.81101, 324.81115, 324.81116, 324.81117,

324.81118, 324.81125, 324.81129, and 324.81130), section 81101 as amended by 1998 PA 86, sections 81115, 81117, 81118, 81125, 81129, and 81130 as added by 1995 PA 58, and section 81116 as amended by 1995 PA 99.

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. 273

Yeas—36

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

Nays—0

Excused—1

Jelinek

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 575, entitled

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2002 PA 679.

The question being on the passage of the bill,

Senator Prusi offered the following amendments:

1. Amend page 3, line 5, after “receive” by striking out “the lesser of”.
2. Amend page 3, line 5, after “96.5%” by striking out the comma and “or the percentage determined under this subdivision.”.
3. Amend page 3, line 10, after “204,144,787.00.” by striking out the balance of the subdivision and inserting “**For the 2003-2004 state fiscal year only, each county shall receive 97% of the county’s share of \$202,300,000.00 as distributed under this subdivision for the 2002-2003 state fiscal year.**”.
4. Amend page 7, line 12, after “be” by striking out the subsection and inserting “\$322,213,500.00. **For the 2002-2003 state fiscal year only, the total combined distribution under this subsection and section 10 of article IX of the State constitution of 1963 shall be \$312,547,095.00**”.
5. Amend page 8, line 10, after “shall receive” by striking out “the lesser of”.
6. Amend page 8, line 10, after “96.5%” by striking out the comma and “or the percentage determined under this subsection.”.

7. Amend page 8, line 18, after "\$936,238,383.00." by striking out the balance of line 18 through page 9, line 5 and inserting "**For the 2003-2004 state fiscal year only, each city, village, and township with a population of less than 750,000 shall receive an amount equal to 97% of the city's, village's, or township's share of \$927,800,000.00 as distributed under this subsection and section 10 of article IX of the state constitution of 1963 for the 2002-2003 state fiscal year.**".

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 274**Yeas—15**

Barcia	Cherry	Jacobs	Scott
Basham	Clark-Coleman	Leland	Switalski
Bernero	Clarke	Prusi	Thomas
Brater	Emerson	Schauer	

Nays—22

Allen	Garcia	Johnson	Sanborn
Birkholz	George	Kuipers	Sikkema
Bishop	Gilbert	McManus	Stamas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Excused—1

Jelinek

Not Voting—0

In The Chair: President

Senator Switalski offered the following amendment:

1. Amend page 22, following line 20, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4658 of the 92nd Legislature is enacted into law."

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

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 275**Yeas—16**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Prusi	Thomas

Nays—21

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey			

Excused—1

Jelinek

Not Voting—0

In The Chair: President

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. 276**Yeas—27**

Allen	Cropsey	Jacobs	Schauer
Barcia	Garcia	Johnson	Sikkema
Bernero	George	Kuipers	Stamas
Birkholz	Gilbert	McManus	Switalski
Bishop	Goschka	Olshove	Toy
Brown	Hammerstrom	Patterson	Van Woerkom
Cassis	Hardiman	Sanborn	

Nays—10

Basham	Clark-Coleman	Leland	Scott
Brater	Clarke	Prusi	Thomas
Cherry	Emerson		

Excused—1

Jelinek

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. 589, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20161 (MCL 333.20161), as amended by 2002 PA 562.

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. 277

Yeas—37

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

Nays—0

Excused—1

Jelinek

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned 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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4145, entitled

A bill to enter into the interstate compact for the supervision or return of certain juveniles, delinquents, and status offenders and for related purposes; and to repeal acts and parts of acts.

House Bill No. 4077, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 1204 (MCL 339.1204), as amended by 1997 PA 97.

House Bill No. 4081, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," by amending sections 139, 141, and 142 (MCL 125.539, 125.541, and 125.542), as amended by 1992 PA 144.

House Bill No. 4326, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 55 and 59 (MCL 24.255 and 24.259), as amended by 1999 PA 262.

House Bill No. 4456, entitled

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

The bills were placed on the order of Third Reading of Bills.

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

House Bill No. 4519, entitled

A bill to require certain notices regarding the transmission of unsolicited commercial e-mail; to establish procedures for e-mail service providers; to allow recipients of e-mail to be excluded from receiving future unsolicited commercial e-mail; and to prescribe penalties and remedies.

Substitute (S-1).

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 a substitute therefor, the following bill:

Senate Bill No. 357, entitled

A bill to require certain restrictions on the transmission of unsolicited commercial and sexually explicit e-mail; to establish procedures for e-mail service providers; to allow recipients of e-mail to be excluded from receiving future e-mail; and to prescribe penalties and remedies.

Substitute (S-7).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 11, line 14, after "prevailing" by inserting "recipient or".

The Senate agreed to the substitute, as amended, 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 a substitute therefor, the following bill:

House Bill No. 4408, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82101 (MCL 324.82101), as amended by 1997 PA 102.

Substitute (S-1).

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.

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Cropsy submitted the following:

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 293, entitled

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation,

operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,” by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1929 PA 152, entitled “An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,” by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 3. (1) The department of state police shall broadcast all police dispatches and reports which have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, or the maintenance of peace, order, and public safety in this state.

(2) ~~The Subject to subsections (5) and (7), the~~ director of the department of state police ~~may authorize~~ **shall allow** any local governmental public safety agency to utilize the Michigan public safety communications system **including attaching public safety communications equipment to towers constructed under this act.** ~~The director of the department of state police may authorize any other governmental public safety agency to utilize the Michigan public safety communications system including attaching public safety communications equipment to towers constructed under this act.~~

(3) **All costs associated with installing and maintaining local governmental public safety agency equipment are the responsibility of the local governmental public safety agency requesting permission. Any damage from natural causes to the equipment installed by a local governmental public safety agency is the responsibility of that public safety agency.**

(4) **The director shall furnish to the local governmental public safety agency requesting permission to attach equipment to a tower documentation necessary to perform structural, wind load, and radio frequency analysis of the tower. The local governmental public safety agency shall at its expense conduct a structural analysis and wind load analysis of the tower that includes any existing and proposed loads of antennas, cabling, and appurtenances, and shall perform a radio frequency interference analysis of the local governmental public safety agency’s proposed equipment with all other equipment on the tower on the date of the request for permission.**

(5) **The director may deny permission to install or attach local governmental public safety equipment to a tower constructed under this act only if the structural, wind load, or radio frequency interference analysis determines that the installation or attachment will structurally impair the tower or harmfully interfere with the operation of the Michigan public safety communications system.**

(6) **For purposes of this section, local governmental public safety agency includes a Michigan Indian tribal police force that is part of an Indian tribe that has a valid gaming compact with the state of Michigan and is paying the state of Michigan 8% of its gross gaming proceeds.**

(7) **The director may rescind the permission to install or attach equipment to a tower if the equipment of a local governmental public safety agency impedes funded upgrades to the Michigan public safety communications system. The determination regarding impediments to future funded upgrades shall be limited to structural, wind load, and radio frequency analysis only. Should the determination indicate that local governmental public safety equipment that has been placed on a tower under this act requires removal or relocation, the department shall notify the local governmental public safety agency in writing and provide a copy of the determination to that local governmental public safety agency. The department shall allow the local governmental public safety agency sufficient time, not to exceed 1 calendar year from the date of written notification, to relocate or remove the equipment.**

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to amend 1929 PA 152, entitled “An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials,” by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

Alan L. Cropsey
Michael Bishop
Conferees for the Senate

Chris Ward
John Pappageorge
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,
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 conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 278**Yeas—24**

Allen	Cherry	Hammerstrom	Patterson
Barcia	Cropsey	Hardiman	Sanborn
Birkholz	Garcia	Jacobs	Sikkema
Bishop	George	Johnson	Stamas
Brown	Gilbert	Kuipers	Toy
Cassis	Goschka	McManus	Van Woerkom

Nays—12

Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Switalski
Brater	Emerson	Schauer	Thomas

Excused—1

Jelinek

Not Voting—1

Prusi

In The Chair: President

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Hammerstrom requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

Roll Call No. 279**Yeas—25**

Allen	Cropsey	Hardiman	Sanborn
Barcia	Garcia	Jacobs	Schauer
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

Nays—10

Basham
Brater
Clark-Coleman

Clarke
Leland
Olshove

Prusi
Scott

Switalski
Thomas

Excused—1

Jelinek

Not Voting—2

Bernero

Emerson

In The Chair: President

Senator Cropsey asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cropsey's first statement is as follows:

This is an extremely important issue, and I hope everybody listens up on this. We have adopted the House substitute, but then we came off on one of their amendments. Basically, the House and their substitute allows for the removal of material from the towers for cause, but then they also put in an interoperability requirement which will hurt the security of the people of the state of Michigan, and they have withdrawn from that.

Let me tell you how important that this is. People like to think that the system is going to work, it's going to work all the time, and it's going to make people more secure. I have with me a grievance from the State Police that says this, and this happened in February of this year, on the 800-megahertz system that the State Police are using. The system went down, and it was down for eight hours. The grievance of the State Police says that all personnel were left without radio communication to Station 20—any and all posts and any and all vehicles and units. Michigan State Police units with no independent second radio in the cars were left without any communication, posing a clear and present danger to all personnel. No contingency or backup was available to any personnel.

This is a serious problem when we require all the systems of the state, before they can use the towers that were built for over \$200 million, only the State Police can use it unless they are interoperable with the State Police system. The State Police system crashed for eight hours and no backups. This is what the troopers wanted in their grievance in all post areas which currently don't do so. Provide post troopers and sergeants with independent radios capable of maintaining contact with specific local law enforcement dispatch centers apart from the Michigan State Police 800-megahertz system.

We have the State Police there, the troopers, saying that they want a system that works and not be bound by the 800-megahertz system. What the "no" votes are saying here today is that we want to make sure you're interoperable so that if you go down, you go down. There are a lot of reasons to vote "yes" for this—\$250 million in taxpayers resources. The taxpayers have built these towers, not the State Police, not the State Police system, but taxpayers for all the state, including your local units of government. In a day of scarce resources, it doesn't make any sense to say to these local units of government, "You can't use our system because we have this requirement that you be interoperable. Therefore, you go out and you build your own towers."

Now what's interesting is the previous speaker talked about, well, they need to come up with the agreement. I think Senator Bishop from Oakland County can show you an agreement that they've come up with that a lot of units of local government have said that if they have to abide by that agreement, it's cheaper for them to build their own towers than to go with the towers that the state has already built. That's not a wise use of resources, and that's not a wise use of tax dollars.

Let's talk about homeland security—scarce resources—why shouldn't we allow local units of government to use it if the space is available? We need to maximize citizen protection, not have a system there that when it goes down, everybody is bound to it. By the way, this is how poor at times this system is: There are ten channels that they can use.

The State Police at any one time on the average day will be using six of those channels. If you require everybody to use that, you are going to overload the system on a daily basis, much less when there is an emergency. We can't allow that. Oakland County would have to dumb-down their system to go to the State Police system. They have 40 channels. Are we going to make them dumb it down so that they can be interoperable with the State Police system? I don't think so. I don't think that's right.

If you're concerned about public safety, you will vote for this legislation we have as it is right now. If you're not concerned about public safety, vote "no." I would strongly urge you to vote in favor of the legislation that we have adopted that we have worked out with the House of Representatives.

Senator Cropsey's second statement is as follows:

We keep bringing up the Governor's directive. I think it's the Governor's directive that was a solution to a problem that perhaps didn't exist. What we have here is a solution to a problem that does now exist. *The Detroit News* had an article in which it said this, and this was quoting Mark Porter, attorney for the State Police Troopers Association, about the system that's now there. "It's like they built a race horse and they are still trying to get it to walk." "The situation could easily escalate into a tragedy if police and other emergency workers can't communicate with each other," said Porter and others.

What are the problems with the current system? Dead zones, where radio transmissions are impossible are still common. Portable radios that are part of the system are useless inside of buildings. Did you understand that? A lot of times the police and emergency response workers have to go inside of buildings and nursing homes, and the system that is now in place is not operable inside those types of buildings. Why would you require our police and firefighters to have a system that you can't work inside of buildings?

The entire radio system crashed in southeast Michigan on February 10, and full signal was not restored for nearly eight hours. For 400 troopers serving several posts from the Ohio border to Oakland County, that meant switching over to the backup radio system supplied by their respective municipal police agencies. But there are several dozen troopers without backup radios, including Wayne and Oakland County freeway patrols. They were left without any communication, posing a clear and present danger to all personnel.

You vote "no" on this, this is what you're voting to do: You're voting to double tax your constituents and requiring them to pay literally millions of dollars to build unneeded towers in your own constituents back yard.

A "no" vote is a vote to obstruct law enforcement efforts by limiting good communications. Why shouldn't we allow the fire chiefs to have their systems put up there when it can be done so at a very cheap cost? Why would you vote against that?

A "no" vote is to hold vulnerable seniors in nursing homes and injured people inside of buildings at greater risk by actually downgrading good communication by law enforcement.

A "no" vote is a vote to place officers in dangerous situations at greater risk of not being able to communicate with other officers or emergency personnel.

A "no" vote is a vote to oppose all your local units of government. This bill has the direct support, as indicated in the committee, from the Michigan Townships Association, the Michigan Municipal League, the Michigan Association of Counties, the Allegan Central Dispatch, the Washtenaw County Sheriff's Department, Deputy Sheriff's Association, Washtenaw County Commission, Macomb County, and Michigan Association of Broadcasters.

In short, a "no" vote is a vote to turn your back on Michigan citizens, Michigan law enforcement, and local government. Today you will be leaving a legacy for the state of Michigan.

A "no" vote is a vote to leave a legacy of impermanence and substandard police protection.

A "yes" vote is a vote for enhanced law enforcement protection and public safety, coupled with a wise use of taxpayer dollars. I urge your concurrence in the conference report for Senate Bill No. 293.

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. 117

The resolution consent calendar was adopted.

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

Senate Resolution No. 117.

A resolution to commemorate June 2003 as Michigan Family Month.

Whereas, Marriage in every known human society creates new families, binds men and women together in a network of affection, mutual aid and mutual obligation, commits fathers and mothers to their children, and connects children to a wider network of welcoming kin; and

Whereas, A healthy, loving marriage between a man and a woman deserves our special respect because it provides irreplaceable personal happiness and creates the safest place for children to flourish. Children enjoy the full emotional, moral, educational, and financial benefits of both parents; and

Whereas, Research indicates that men and women who marry and stay married in mutually supportive relationships generally live longer, experience better health, and enjoy more satisfying lives; and

Whereas, Marriage breakdown takes a toll on the emotional, physical, and financial well-being of all family members and communities. This breakdown also increases the cost to taxpayers of many public human service programs; and

Whereas, The Michigan Senate is committed to promoting enrichment opportunities and resources that strengthen marital relationships between men and women and enhance personal growth, mutual fulfillment, and family well-being; and

Whereas, The Michigan Senate wishes to applaud and encourage efforts by Michigan citizens, faith communities, businesses, organizations, local government, and community leaders to strengthen the marriage bonds between men and women in a variety of ways, including marriage education programs, conferences, enrichment seminars, and public policies that support marriage; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the month of June 2003 as Family Month in the state of Michigan. We urge each husband and wife to reflect upon their marriage and to commit to building and maintaining a healthy, loving marriage and family.

Senators Basham, Bernero, Clarke, Olshove and Switalski were named co-sponsors of the resolution.

Introduction and Referral of Bills

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

Senate Bill No. 593, entitled

A bill to amend 1961 PA 112, entitled "An act to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation," by amending section 3 (MCL 388.983), as amended by 1991 PA 64.

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

Senator Emerson introduced

Senate Bill No. 594, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17744. The bill was read a first and second time by title and referred to the Committee on Appropriations.

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

Senate Bill No. 595, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending the title and section 11 (MCL 388.1611), the title as amended by 1997 PA 142 and section 11 as amended by 2002 PA 521, and by adding sections 11a and 11b.

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

House Bill No. 4601, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 552 (MCL 168.552), as amended by 1999 PA 220.

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

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

House Bill No. 4732, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1j to chapter IX.

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 Appropriations.

House Bill No. 4733, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18 of chapter XIIA (MCL 712A.18), as amended by 2000 PA 55, and by adding section 18m to chapter XIIA.

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 Appropriations.

House Bill No. 4735, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 185.

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 Appropriations.

House Bill No. 4736, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 629e and 907 (MCL 257.629e and 257.907), section 629e as amended by 2001 PA 213 and section 907 as amended by 2002 PA 534.

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 Appropriations.

House Bill No. 4741, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 29 of chapter XIIA (MCL 712A.29), as added by 1993 PA 344.

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 Appropriations.

House Bill No. 4743, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 36 (MCL 791.236), as amended by 1999 PA 271.

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 Appropriations.

House Bill No. 4745, entitled

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2001 PA 87.

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 Appropriations.

House Bill No. 4746, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 2001 PA 91.

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 Appropriations.

House Bill No. 4748, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 880, 880a, 880b, 1027, 2529, 5756, 8371, and 8420 (MCL 600.321, 600.880, 600.880a, 600.880b, 600.1027, 600.2529, 600.5756, 600.8371, and 600.8420), section 321 as amended by 1997 PA 182, sections 880 and 880b as amended by 2000 PA 56, section 880a as added and sections 5756 and 8420 as amended by 1993 PA 189, section 1027 as added by 1996 PA 388, and sections 2529 and 8371 as amended by 2002 PA 605, and by adding section 171.

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 Appropriations.

House Bill No. 4749, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 175.

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 Appropriations.

House Bill No. 4750, entitled

A bill to amend 1988 PA 260, entitled “Community dispute resolution act,” by amending section 10 (MCL 691.1560), as amended by 1993 PA 286.

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 Appropriations.

Statements

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

The motion prevailed.

Senator Leland’s statement is as follows:

I said yesterday that I would be making a short statement today. I’m glad that I have the opportunity to do this because this item has been festering and bothering me for about a week now, so I appreciate you allowing me a couple of minutes to read my statement to you.

Mr. President and colleagues, I rise today to offer some observations about my city—Detroit. It all came together for me a few days ago as I visited a McDonald’s in my district. As I walked into the restaurant, I noticed trash in the parking lot—wrappers were everywhere. Once inside the Golden Arches, the scene was not much better. Tables needed bussing, the floors needed mopping, and the place was a mess. I decided to step into the restroom before getting in line. Without getting too graphic, suffice it to say, it didn’t look like it had been cleaned in a week.

As I stood in line waiting to place my order, I reflected on other McDonald’s I’d been to in the suburbs and along the interstate. They were always spotless. I became curious. Who owned this franchise? Was it the Mickey D equivalent of the absentee landlord? When I got to the head of the line, I asked to see the manager. I was stunned by the answer. This McDonald’s was owned and operated by the parent company, McDonald’s Incorporated.

I was puzzled. I’d been in other McDonald’s owned by the parent company in the suburbs and along the interstate. They were spotless. Finally, it dawned on me. The McDonald’s corporation treated Detroiters like second-class citizens. Again, I wondered why. Why did Detroiters fail to receive the same treatment as every other customer?

It led me to think about the last decade here in Lansing. Every time an issue comes up, Detroit seems to be treated differently—placed in another class. The state takes away its school board, it takes away its court system, and it threatens to take away its water system. At every turn, Detroit is treated like second-class citizens.

As someone who has fought these fights time and time again, you frankly get tired; tired of making the argument and losing the fight, and tired of trying to claim simple fairness and being ignored. After a while, you just want to give up.

Psychologists have a name for it, the Stockholm syndrome: When the situation becomes so bad that you come to expect, even embrace those who persecute you. People of my generation know it as the Patti Hearst syndrome. Maybe that’s what’s going on at McDonald’s. After so many years of being treated like a second-class citizen, we begin to believe we are second-class citizens, or at least we give up fighting against being treated like one.

Now I’d like to believe that all of my colleagues here would like to see Detroit rebound and prosper. As the powers that be in Lansing continue to treat Detroit differently, the citizens of Detroit start to give up, which causes us to find some other way to treat Detroit worse, and the cycle worsens. We enter a downward spiral where the lower standards become acceptable, and we use the lower standards as an excuse to lower them again. In the end, we are left with two separate Michigans: Detroit and everyone else.

I hope my colleagues will take a moment to reflect on this the next time you go to McDonald’s.

Senator Cassis’ statement is as follows:

Senate Bill No 357, commonly referred to as an anti-SPAM bill, represents an even larger issue here than just SPAM—some food for thought.

I thought the main principle of our country behind the Bill of Rights is the rights of the individual. That is, his or her ability—responsibility, I believe—is to determine what is good or conversely bad for himself or herself.

The issue deals with individual rights versus group rights. This bill reinstates the right of the individual to privacy,

to regulate what comes in to the most private of domains—one's home.

This is excellent public policy dealing with ever-changing technology and should be a model for other states to follow.

Senator Brater's statement is as follows:

I wish to record some comments on the DEQ budget, House Bill No. 4393, on which this body acted today. The bill contains less in fees than the Governor requested and is over the Governor's recommended budget. In order to protect programs which guard our air and water, we will need to be careful not to add more responsibilities to the department at a time when we are funding the department at 50 percent of the level it received two years ago.

I supported this budget because this chamber is trying to keep the process moving, and it is sending a message to the House that there is a clear difference in this bill as it leaves the Senate. I appreciated the work of the subcommittee chair and the members of the committee on this budget.

By unanimous consent the Senate returned 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, Lieutenant Governor Cherry, designated Senator Sanborn as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 393, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 503, 504, 504a, and 507 (MCL 380.501, 380.502, 380.503, 380.504, 380.504a, and 380.507), sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289 and section 504 as amended by 1994 PA 416, and by adding sections 503b and 1320.

Substitute (S-1).

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

1. Amend page 4, line 19, after "district" by striking out "that operates grades K to 12".
2. Amend page 4, line 23, after "of" by striking out "a state public university" and inserting "**an institution of higher education with statewide jurisdiction**".
3. Amend page 5, line 3, after "**389.195**" by striking out the balance of the subdivision and inserting a period.
4. Amend page 5, line 23, by striking out all of subdivision (g) and inserting:

"(g) ~~(f)~~ "**State public university**" "**Institution of higher education with statewide jurisdiction**" means a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963 or a federal tribally controlled community college that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body."
5. Amend page 6, line 18, after "district" by striking out "that operates grades K to 12".
6. Amend page 6, line 23, after "boundaries." by inserting "**This subdivision does not prohibit a public school academy from providing instruction to a pupil residing outside the school district's boundaries through distance learning and counting the pupil in membership as provided under the state school aid act of 1979.**"
7. Amend page 7, line 2, after "boundaries." by inserting "**This subdivision does not prohibit a public school academy from providing instruction to a pupil residing outside the intermediate school district's boundaries through distance learning and counting the pupil in membership as provided under the state school aid act of 1979.**"
8. Amend page 7, line 14, after "district." by inserting "**This subdivision does not prohibit a public school academy from providing instruction to a pupil residing outside the boundaries of the community college district through distance learning and counting the pupil in membership as provided under the state school aid act of 1979.**"
9. Amend page 7, line 24, after "years." by inserting "**A contract issued by the board of a federal tribally controlled community college under this subdivision before the effective date of the 2003 amendatory act that amended this section shall continue to be considered to be issued under this subdivision rather than under subdivision (d).**"
10. Amend page 7, line 25, after "of" by striking out the balance of the line through "university" on line 26 and inserting "**an institution of higher education with statewide jurisdiction**".
11. Amend page 8, line 1, after "by" by striking out "state public universities" and inserting "**institutions of higher education with statewide jurisdiction**".
12. Amend page 8, line 4, after "all" by striking out "state public universities" and inserting "**institutions of higher education with statewide jurisdiction**".
13. Amend page 8, line 8, after "**2002,**" by striking out the balance of the line through "**450**" on line 11 and inserting "**170 through 2003, 190 through 2004, 210 through 2005, 230 through 2006, 250 through 2007, 270 through 2008, 290 through 2009, 310 through 2010, 330 through 2011, or 350**".

14. Amend page 8, line 16, after “(b)” by striking out “For 2003 to 2012, the” and inserting “The”.

15. Amend page 8, line 17, after “all” by striking out “state public universities” and inserting “institutions of higher education with statewide jurisdiction”.

16. Amend page 8, line 18, after “5” by striking out “per calendar year” and inserting “through 2003, 10 through 2004, 15 through 2005, 20 through 2006, or 25 thereafter”.

17. Amend page 25, line 2, after “by” by striking out the balance of the line through “university” on line 3 and inserting “an institution of higher education with statewide jurisdiction”.

18. Amend page 29, line 17, after “is” by inserting “the governing board of an institution of higher education with statewide jurisdiction that is”.

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

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Call of the Senate

Senator Sikkema moved there be a Call of the Senate.

The motion prevailed, a majority of the members present voting therefor, the time being 2:50 p.m.

Senator Sikkema moved that Senator Jelinek be excused from the Call.

The motion prevailed.

Proceedings under the Call

The roll was called by the Secretary of the Senate and the following Senator was reported absent: Senator Emerson.

Senator Emerson entered the Senate Chamber.

Senator Sikkema moved that the Call of the Senate be lifted.

The motion prevailed.

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:

Senate Bill No. 393

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

The following bill was read a third time:

Senate Bill No. 393, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending the title and sections 5, 501, 502, 503, 504, 504a, 506, and 507 (MCL 380.5, 380.501, 380.502, 380.503, 380.504, 380.504a, 380.506, and 380.507), the title and sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, section 5 as amended by 1999 PA 23, section 504 as amended by 1994 PA 416, and section 506 as added by 1993 PA 362, and by adding sections 503b and 1320 and part 6c.

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. 280

Yeas—21

Allen	Garcia	Hardiman	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy

Cassis
Cropsey

Hammerstrom

Patterson

Van Woerkom

Nays—16

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove
Prusi

Schauer
Scott
Switalski
Thomas

Excused—1

Jelinek

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Basham, Scott, Clark-Coleman, Thomas and Schauer, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 393 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Basham’s statement is as follows:

I rise in opposition to Senate Bill No. 393. It just reminds me that Harry Potter is back. It seems like there is wizardry when it comes to dealing with the public schools and the charter schools trying to expand. They’re not playing on the same playing field. It’s not a level playing field relative to the requirements that the public schools have to take everybody and everybody, and charter schools can pick and choose whoever they want to take. If the good philanthropist wants to put \$300 million in Detroit schools, there’s certainly crumbling buildings that need repair, there’s certainly a need for after-school programs, and there’s certainly a need that those \$300 million could probably boost the schools in the city of Detroit.

But a lot of these problems with these schools are societal problems. When people are not fully employed, not making a living wage, not getting health insurance, and have a single-parent family, that’s the problem with public schools, Mr. President. So, certainly, \$300 million, if you want to invest in that community— those schools—their test scores will increase. But, certainly, public schools could do it if the philanthropist wants to put his money in the public schools. There’s no need to fund two separate school systems, and for that reason alone would be enough to oppose this bill, so I would encourage members to oppose this bill.

Senator Scott’s statement is as follows:

I wasn’t going to say anything because I think my colleagues have done a good job, but I have to. I just want to know where all of these charter schools are going to go. Are they going to go in your districts? Because we certainly know what we need in the city of Detroit, and we don’t need everyone telling us how to do it.

A few years ago, you took the right away to vote for our own school board. There are failing schools in your districts, but nobody takes away your right to vote. Allow us the opportunity to decide what it is that we want in our communities. We have educators who can educate our children. But when it comes to the dollars that we should get back in our communities, you say “no” to that. And, yet, it is these same parents who are taxpayers for the city of Detroit.

And then there comes along a millionaire who says that he wants to build all these high schools, so you incorporate him into the bill. Well, why doesn't he want to help the present high schools that are in the city of Detroit? Or the schools that start at pre-school where it can really give our children an opportunity? You say that our parents don't care. Well, let me tell you that during graduations I've attended a number of our schools, and these parents do care. I think we should give them that opportunity.

First of all, we need our vote back, so you need to just repeal it since you play games in one house, and when it gets to the other house, it just sits. Well, I'm tired of us playing with our children in the city of Detroit. God made us all the same, and our children are just as important as your children are. So let us not play games with these children. Let's give them all a great opportunity in life. So I ask you to defeat this bill today.

Senator Clark-Coleman's statement is as follows:

I rise in opposition to Senate Bill No. 393. This bill does not include provisions recommended by both the Auditor General and the McPherson Commission for additional oversight by the Department of Education. Now, while I appreciate that this bill does include some oversight provisions currently lacking under the law, it does not provide adequate staff to carry out the function of oversight. Why put oversight provisions in a bill and not provide some staff that's going to be able to oversee these additional charters?

Then this bill increases the charter school cap by too many schools in too short a time. Due to a decline in revenue and the proration of school aid payments which occurred earlier this year, additional schools will create an additional strain on the school aid budget. As this bill was amended on General Orders, it now allows a charter school to collect state aid for a student who is not physically present in the classroom but instead is participating by distance learning.

You know, I hear my colleagues saying, "Detroit, this is good for you. We know what is good for you." It's *deja vu* all over again. It reminds me of the nights we sat in the early mornings and this body or the body over in the House said the same thing to us: "We know what's best for you. You don't know what's best for you. You can't take care of your own, so we're gonna do something for you. We're going to eliminate your right to vote, and we're going to give you something we know is best for you."

Well, listen to me, legislators, it ain't working. What you thought was good for us eliminated any parental involvement and any involvement from the community. And until you recognize that the community has to be involved in education, nothing that you impose upon my city will work. So you need to take a strong look at your own city, decide what's good for your city, and let us make a decision about what's good for our city. You've not done it in the past, you're not doing it now, and I don't expect you're going to do it in the future. But just know that when you impose something on someone else's city and you send a group through there that looks nothing like that city and say this is good for you, it's not going to work.

These charter schools are not going to work. We've got lots of charter schools in Detroit. Are they working? Some, but guess which ones are working? The ones who were educators before, who had schools beforehand and know how to make them work. We've got a whole bunch of them that are not working. We've got charter schools that are in one big room that used to be a gym with just little partitions. Is that what we want for our children? No. So I'm going to urge my colleagues not to support this legislation. It's not good legislation, it's not good for the city of Detroit, and it's not good for Michigan.

Senator Thomas' statement is as follows:

Yesterday I had the pleasure of introducing 23 students and three chaperones from Cesar Chavez Academy in the community of southwest Detroit—it's a charter school. Last night, I spoke at the graduation at Chavez Academy and told them how proud I was of their accomplishments in building this school and standing up for their community. I support charter schools. I commend Chairman Kuipers for his work on this; he's come a long way. However, I still cannot support this bill and would urge my colleagues to oppose it.

The reason for me might be a little different than some of my other colleagues within the Democratic Caucus. My reason is quite simply that I want to build a charter school community that looks like the community that it serves. This legislation allows no opportunity for people in the city of Detroit who look like the kids they are going to be serving—who live next to the kids they are going to be serving; the opportunity to run and manage charter schools.

This bill says that all charters in Detroit for the most part are going to go through state-sponsored universities; those are the authorizers. So folks in Saginaw, Mount Pleasant, and in Grand Rapids are going to be the ones controlling all of the charters in Detroit. Detroiters aren't going to be doing it. So, in essence, you're saying that we can't run these schools. There's a special exclusion in here for Bob Thompson to come and do schools, and certainly, we welcome Mr. Thompson into the community. But why can't we have folks from our community also getting those special exclusions?

Right now we have roughly 1,800 kids out of the 20,000 kids in charter schools that are run in schools by Detroiters, and that's not right, especially when the failing charter schools in Detroit are the very schools that are run

by the state-sponsored universities. That's not accountability. The charter schools in Detroit that are succeeding are those that have true community support because they are run and managed by people who live in this community—people who look like that community.

This approach, while well-intentioned, is nothing short of paternal. It is paternalism that folks in Saginaw, that folks in Central Michigan at Mount Pleasant, they know what's better for the kids in Detroit. I submit that that's not the case. Detroiters are equally fine to manage schools.

One would say that we've addressed that issue by allowing intermediate school districts to charter. Well, it's inherently against the interest of the Detroit Public Schools system to charter schools and lose those dollars. So they are really not going to jump into the business of chartering. So, again, we do not have the opportunity for Detroiters—for people of color—to operate schools for the kids of color in that district. That's what it boils down to, and so for that reason, there is no way I can support this legislation.

Senator Schauer's statement is as follows:

It seems that this is a pretty futile process we're going through here. It seems like the members on the other side of the aisle and some of the interest groups that have distributed letters here are negotiating with themselves. We have a Governor who said that she will support a reasonable charter bill, a bipartisan charter bill that addresses accountability, provides a reasonable number of charter schools—which this bill does not—and addresses in a very serious way the provisions of the federal No Child Left Behind Act.

We have a long way to go in this process. It's unfortunate that we haven't been able to reach a clear consensus that I think, given the proper amount of time and energy, we could do. This bill does not do that, and I will be voting "no."

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Resolution No. 105.

A resolution calling for increased public awareness of the Department of Environmental Quality's toll-free number for reporting pollution emergencies.

(For text of resolution, see Senate Journal No. 56, p. 780.)

With the recommendation that the resolution be adopted.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

Senate Concurrent Resolution No. 25.

A concurrent resolution calling for increased public awareness of the Department of Environmental Quality's toll-free number for reporting pollution emergencies.

(For text of resolution, see Senate Journal No. 56, p. 780.)

With the recommendation that the concurrent resolution be adopted.

Patricia L. Birkholz
Chairperson

To Report Out:

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

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 46, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115).

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

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.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 47, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as added by 2002 PA 30.

With the recommendation that the bill 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 was referred to the Committee of the Whole.

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 535, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80115 (MCL 324.80115), as added by 1995 PA 58, and by adding section 80124b.

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, Van Woerkom and Basham

Nays: None

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 536, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80124a.

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, Van Woerkom and Basham

Nays: None.

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

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 568, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3115b.

With the recommendation that the bill 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 was 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, June 17, 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

House Bill No. 4247, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303, 310d, 310e, 319, 320a, 624b, 625, 625a, 625c, 625f, 625g, 625i, 625k, 625l, 625m, and 904d (MCL 257.303, 257.310d, 257.310e, 257.319, 257.320a, 257.624b, 257.625, 257.625a, 257.625c, 257.625f, 257.625g, 257.625i, 257.625k, 257.625l, 257.625m, and 257.904d), section 303 as amended by 2002 PA 422, sections 310d and 625g as amended by 1999 PA 73, section 310e as amended by 2002 PA 554, section 319 as amended by 2002 PA 534, section 320a as amended by 2002 PA 149, section 624b as amended by 1998 PA 349, sections 625 and 625m as amended by 2000 PA 460, section 625a as amended by 1998 PA 351, section 625c as amended by 1998 PA 350, section 625f as amended by 1994 PA 450, section 625i as amended by 1998 PA 354, sections 625k and 625l as amended by 1998 PA 340, and section 904d as amended by 2001 PA 159, and by adding section 1d.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 4248, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12f, 22, 33, and 48 of chapter XVII (MCL 777.12f, 777.22, 777.33, and 777.48), section 12f as added by 2002 PA 34, section 22 as amended by 2002 PA 143, and sections 33 and 48 as amended by 2000 PA 279.

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Alan L. Cropsey
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 17, 2003, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

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

The Committee on Appropriations reported

Senate Bill No. 574, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 81101, 81115, 81116, 81117, 81125, and 81129 (MCL 324.81101, 324.81115, 324.81116, 324.81117, 324.81125, and 324.81129), section 81101 as amended by 1998 PA 86, sections 81115, 81117, 81125, and 81129 as added by 1995 PA 58, and section 81116 as amended by 1995 PA 99; and to repeal acts and parts of acts.

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.

Shirley Johnson
 Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsy, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 589, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2002 PA 562.

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.

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 575, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 2002 PA 679.

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.

Shirley Johnson

Chairperson

To Report Out:

Yeas: Senators Johnson, Stamas, Brown, Goschka, Garcia, Cropsy, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

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 Appropriations submitted the following:

Meeting held on Wednesday, June 18, 2003, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsy, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, May 20, 2003, at 1:00 p.m., Room 210, Farnum Building

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, June 10, 2003, at 1:00 p.m., Room 210, Farnum Building

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

Scheduled Meetings

Appropriations - Friday, June 20, 10:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)
(CANCELED)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 3:20 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, June 24, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

