

No. 57
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, June 11, 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

Pastor Paul Dancy of Our Saviour Lutheran Church of Armada offered the following invocation:

Heavenly Father, in Your Word, You have told us to submit to the governing authorities, for the authorities that exist have been established by You. You have commanded us to respect and honor and obey our government leaders—those who make laws, those who enforce them, and those who make judgments on those who break them. We thank You, Lord, for this nation and this state of Michigan, through which You provide many blessings for her people. We thank You for the freedom we have to make laws that reflect Your holy law.

We ask You today, Father, that You give the men and women of the Michigan Senate wisdom to make just laws which treat all people with respect and which hold them all to the same standard of the law. Make each of them a blessing to the people they represent here and that they would see their calling as instruments of Your gracious and powerful hand. Make them especially mindful of those who need the protection of the law—the poor and disenfranchised, the unborn, the very young, and the very old. Imbue them with integrity, wisdom, understanding, and courage to do what they know is right and what will truly be for the good of the people.

Lord, to whomever their favor and loyalties lie, may they first be subject to You. Bless their families while they are apart. Protect them as they travel, forgive their mistakes for the sake of Your Son, and hold them in the palm of Your hand. Bless our President George Bush, our Governor Jennifer Granholm, each Senator, and each aide who serves You by serving the people honestly and fairly. In Jesus' name. Amen.

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

Motions and Communications

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

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

The Secretary announced that pursuant to Rule 2.109 of the Standing Rules of the Senate, the following expense reports have been filed with the Secretary of the Senate for the quarter from October 1, 2002 through December 31, 2002, and are available in the Secretary's office during business hours for public inspection:

Committee

Appropriations
Banking and Financial Institutions
Economic Development, International Trade and Regulatory Affairs
Education
Families, Mental Health and Human Services
Farming, Agribusiness and Food Systems
Finance
Financial Services
Government Operations
Health Policy
Hunting, Fishing and Forestry
Judiciary
Local, Urban and State Affairs
Natural Resources and Environmental Affairs
Reapportionment
Senior Citizens and Veterans Affairs
Technology and Energy
Transportation and Tourism
Appropriations Subcommittee on Career Development
Strategic Fund Agency
Appropriations Subcommittee on Community Health
Appropriations Subcommittee on Department of Education
Appropriations Subcommittee on Family Independence Agency
Appropriations Subcommittee on General Government

Chairperson

Senator Harry Gast
Senator Valde Garcia
Senator Bill Schuette
Senator Loren Bennett
Senator Beverly Hammerstrom
Senator George McManus
Senator Joanne Emmons
Senator Bill Bullard
Senator Thaddeus McCotter
Senator Dale Shugars
Senator Alan Sanborn
Senator William Van Regenmorter
Senator Thaddeus McCotter
Senator Ken Sikkema
Senator Bill Schuette
Senator Mat Dunaskiss
Senator Mat Dunaskiss
Senator Bill Bullard
Senator Shirley Johnson

Senator Joel Gougeon
Senator Leon Stille
Senator Mike Goschka
Senator John Schwarz

Appropriations Subcommittee on Higher Education
Appropriations Subcommittee on Retirement
Appropriations Subcommittee on School Aid

Senator John Schwarz
Senator Joel Gougeon
Senator Leon Stille

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 10:
House Bill No. 4586

The Secretary announced that the following bill was available at the legislative Web site on Tuesday, June 10:
Senate Bill No. 568

Messages from the Governor

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

Senate Bill No. 195

The motion prevailed.

The following messages from the Governor were received:

Date: June 10, 2003

Time: 9:16 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 118 (Public Act No. 15), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 215 (MCL 750.215), as amended by 2002 PA 672.

(Filed with the Secretary of State on June 10, 2003, at 9:55 a.m.)

Date: June 10, 2003

Time: 9:25 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 117 (Public Act No. 16), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16l of chapter XVII (MCL 777.16l), as amended by 2001 PA 19.

(Filed with the Secretary of State on June 10, 2003, at 9:57 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received and read:

June 10, 2003

I am writing to withdraw from consideration by the Senate the following appointment to public office under Section 802 of the Occupational Code, 1980 PA 299, MCL 339.802:

Athletic Board of Control

Andrea Darnell, 8615 Puritan, Detroit, Michigan 48238, county of Wayne, succeeding Bruce L. Birger, for a term commencing on June 3, 2003 and expiring March 31, 2006.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations.

Senator Garcia entered the Senate Chamber.

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

The motion prevailed.

Senator Bernero entered the Senate Chamber.

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.

Substitute (H-1).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 199

Yeas—0

Nays—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		

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 234, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 107, 204, 206, 207, 211, 502, 602, 606, 607, 608, 609, 610, 613, and 619 (MCL 550.1107, 550.1201, 550.1204, 550.1206, 550.1207, 550.1211, 550.1502, 550.1602, 550.1606, 550.1607, 550.1608, 550.1609, 550.1610, 550.1613, and 550.1619), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, 401j, 403b, and 422c; and to repeal acts and parts of acts.

Substitute (H-2).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 200

Yeas—1

George

Nays—37

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 460, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

Substitute (H-2).

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

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 201

Yeas—2

Garcia George

Nays—36

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

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

Excused—0

Not Voting—0

In The Chair: President

Senate Bill No. 364, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2002 PA 476.

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

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Third Reading of Bills

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

Senate Bill No. 352

House Bill No. 4330

House Bill No. 4333

Senate Bill No. 530

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 352, entitled

A bill to designate March 31 of each year as Cesar E. Chavez day in the state of Michigan.

The question being on the passage of the bill,

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

Roll Call No. 202

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.

Senators Basham, Clark-Coleman and Clarke moved that they be named co-sponsors of the bill.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4330, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

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. 203

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
Cassia	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 concurred in, 2/3 of the members serving voting therefor.

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

"An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil

liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4333, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 907 (MCL 257.907), as amended by 2002 PA 534.

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. 204

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

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 530, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 86.

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. 205

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 Scott 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:

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22a of chapter X (MCL 710.22a), as added by 1994 PA 430.

Senate Bill No. 463, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 2 (MCL 28.292), as amended by 2002 PA 553.

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 amendment, the following bill:

Senate Bill No. 485, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3a (MCL 552.603a), as amended by 2002 PA 572.

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

1. Amend page 2, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect January 15, 2004."

The Senate agreed to the amendment recommended by the Committee of the Whole, and the bill as amended 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. 4270, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 106 (MCL 400.106), as amended by 1990 PA 145, and by adding section 106a.

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. 462, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 312b, 811a, and 811b (MCL 257.312b, 257.811a, and 257.811b), section 312b as amended by 2000 PA 456, section 811a as amended by 1992 PA 59, and section 811b as added by 1987 PA 85.

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. 360, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8317 (MCL 324.8317), as amended by 2002 PA 418.

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. 361, entitled

A bill to amend 1969 PA 287, entitled "An act to regulate pet shops, animal control shelters, and animal protection shelters; to establish uniform procedures and minimum requirements for adoption of dogs, cats, and ferrets; and to prescribe penalties and civil fines and to provide remedies," by amending sections 4 and 7 (MCL 287.334 and 287.337), section 7 as amended by 1997 PA 7.

Substitute (S-2).

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

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

Senate Bill No. 386, entitled

A bill to amend 1937 PA 284, entitled "An act to prevent the spread of infectious and contagious diseases of livestock; to require persons, associations, partnerships and corporations engaged in the buying, receiving, selling, transporting, exchanging, negotiating, or soliciting sale, resale, exchange or transportation of livestock to be licensed and bonded by the department of agriculture; to keep a producers' proceeds account; to provide for the refusal, suspension or revocation of such licenses; to provide for weighmasters; to provide for the inspection and disinfection of yards, premises and vehicles; and to provide penalties for the violation of this act," by amending section 3 (MCL 287.123).

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
Senate Bill No. 390, entitled

A bill to amend 1974 PA 93, entitled "An act to license and regulate horse riding stables and sales barns; to prescribe the duties of the department of agriculture; and to provide a penalty," by amending section 3 (MCL 287.113).

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. 480, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending section 9 (MCL 286.209), as amended by 1982 PA 157.

Substitute (S-1).

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

1. Amend page 2, line 8, after "(2)" by striking out "Fees" and inserting "**Except as otherwise provided in subsection (3), fees**".

2. Amend page 2, following line 10, by inserting:

"(3) Beginning October 1, 2003, the horticulture fund is created within the state treasury. The state treasurer may receive money or other assets from any source for deposit into the fund. From October 1, 2003 until September 30, 2007, up to \$70,000.00 of the funds generated through licensing shall be deposited into the horticulture fund each year. The state treasurer shall direct the investments of the horticulture fund. The state treasurer shall credit interest and earnings from fund investments to the fund. Assets in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund. The director shall administer the fund and shall expend money from the fund, upon appropriation, to provide for research projects, to develop and improve training programs, and to develop outreach materials for the purposes of safeguarding plants and plant products from unwanted plant pests. The director shall administer the fund with advice and consultation from a horticultural advisory committee. After September 30, 2007, the fund shall no longer exist and the money in the fund shall revert to the general fund for use as described in subsection (2).

(4) There is created a horticulture advisory committee. Members of this committee, to be named by the director, shall include representatives from the horticulture industry." and renumbering the remaining subsection.

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. 4356, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

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.

Resolutions

Senators Patterson, Toy, Garcia, Cropsey, Hardiman, Sanborn, Brown and Birkholz offered the following resolution:
Senate Resolution No. 108.

A resolution commemorating September 7-13, 2003, as American Heroes Week.

Whereas, As we approach the first anniversary date of the tragic and traumatic events of September 11, 2001, there is a palpable sense among the citizens of the USA, including the citizens of Michigan, that there should be an appropriate commemoration of those events and their aftermath; and

Whereas, On September 11, 2001, and the days following, many ordinary Americans showed true heroism by their acts of selflessness, compassion, dedication, courage, and integrity; and

Whereas, Individuals who are motivated every day by traditional American values, such as altruism, compassion, courage, integrity, dedication, and selflessness, have a positive effect on society by encouraging others to act in a similar manner; and

Whereas, Citizens in local communities located throughout Michigan and the United States embody these values in their daily work, communities, and homes; and

Whereas, Children and adults would benefit from learning about those in their community who embody these values and about what motivates them; and

Whereas, Because children learn and act by examples they experience on a daily basis, they need role models within their local community with whom they can realistically relate. Inspiring stories about someone a child knows or might meet in the community can make a difference in that child's decisions and life; and

Whereas, The RARE Foundation (Recognize, Achievement, Reward, Excellence), based in Troy, Michigan, has established a program to recognize exceptional people who work in the community and further educate children in the community about such people. The foundation is willing to provide guidance to any community interested in starting such a program; and

Whereas, The RARE Foundation has proposed dedicating September 7-13, 2003, as American Heroes Week to recognize the many individuals who displayed altruism, compassion, courage, integrity, dedication, and selflessness during and after the terrorist attacks against the United States which occurred on September 11, 2001; and

Whereas, The RARE Foundation is encouraging all educational institutions throughout the state of Michigan to commemorate the heroes of September 11 by educating children about local heroes and role models, including individuals in the local community who are motivated every day by traditional American values; and

Whereas, All communities are encouraged by the RARE Foundation to adopt programs similar to those adopted by the RARE Foundation to recognize exceptional people who work in the community and further educate children in the community about such people; now, therefore, be it

Resolved by the Senate, That we commemorate September 7-13, 2003, as American Heroes Week and honor the RARE Foundation. We applaud their efforts, and may they continue to inspire and recognize American heroes far into the future; and be it further

Resolved, That a copy of this resolution be transmitted to the RARE Foundation in recognition of their efforts and as a token of our support.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Local, Urban and State Affairs.

The motion prevailed.

Senators Gilbert, Jelinek, Switalski, Van Woerkom, Jacobs and Olshove were named co-sponsors of the resolution.

Senators Barcia, Olshove, Switalski, Birkholz, Patterson, Garcia and Van Woerkom offered the following concurrent resolution:

Senate Concurrent Resolution No. 26.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to permit beach grooming on private property and to encourage the United States Army Corps of Engineers to work with property owners on the stewardship of beaches.

Whereas, The most effective stewardship of our environment includes both public and private participation. Michigan has recently taken an important step in the direction of caring for our shorelines and beaches with the enactment of legislation permitting shoreline property owners to take certain actions to maintain beaches within specific guidelines; and

Whereas, With the reduction in lake levels, shoreline property has changed dramatically in many areas. In many instances, beaches have been transformed by weeds, which has led property owners to seek authority to groom the beaches. However, the potential for conflict with the long-term integrity of shore lands and habitat required extensive discussions to develop an effective and responsible strategy; and

Whereas, As a result of the input of individual property owners, local landowner and environmental groups, state officials, and lawmakers, Michigan has enacted legislation, 2003 PA 14 (Enrolled House Bill No. 4257), that will allow property owners to remove vegetation and debris from beaches. These actions are limited in scope and strike a workable balance between legitimate recreational concerns and environmental considerations; and

Whereas, The effective compromise established with regard to maintenance on Michigan beaches will be far more productive than contentiousness between property owners and governmental regulators. This legislation capitalizes on the shared commitment private and public interests have in the quality and the appearances of our beaches; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation similar to 2003 PA 14 (Enrolled House Bill No. 4257) to permit beach grooming on private property. We also encourage the United States Army Corps of Engineers to work cooperatively with property owners on the stewardship of beaches; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the Environmental Protection Agency, the United States Army Corps of Engineers, the Office of the Governor, the Michigan Department of Environmental Quality, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator 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 concurrent resolution,

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

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Leland's statement is as follows:

I have to admit what I would say is some pretty shocking news today. Today is my 31st anniversary. It's hard to believe my wife—my girl of 31 years—has been married to me. She is quite a remarkable person. She is a great wife, a terrific mother, and after 31 years of marriage, I got to tell you, she is still pretty damn hot. I think that the members, those who know me quite well and those who know my wife, I think that my wife deserves a round of applause for being my bride for 31 years.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Thomas introduced

Senate Bill No. 577, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811p.

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

Senators Patterson, Toy, Kuipers, Garcia, Cropsy, Hardiman, Sanborn, Brown and Birkholz introduced

Senate Bill No. 578, entitled

A bill to establish American heroes week in the state of Michigan.

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

Senator Cropsy introduced

Senate Bill No. 579, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2002 PA 719.

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

Senator Jelinek introduced

Senate Bill No. 580, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686), as amended by 2002 PA 478.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Birkholz, Cherry, Brater, Toy, Patterson, Van Woerkom, Cropsey, Thomas, Sanborn and Leland introduced
Senate Bill No. 581, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

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

Senators Birkholz, Cherry, Brater, Toy, Patterson, Van Woerkom, Cropsey, Thomas, Sanborn and Leland introduced
Senate Bill No. 582, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the duties and powers of certain agencies and officials; and to provide for appropriations.

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

Senators Birkholz, Cherry, Brater, Patterson and Leland introduced

Senate Bill No. 583, entitled

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

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

Senators Birkholz, Cherry, Thomas and Leland introduced

Senate Bill No. 584, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611), as amended by 2002 PA 423.

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

Senators McManus, Kuipers, Allen, Birkholz, Cropsey and Garcia introduced

Senate Bill No. 585, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318.

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

Senator Brown introduced

Senate Bill No. 586, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 28 (MCL 205.28), as amended by 2002 PA 657.

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

House Bill No. 4586, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 7, 7c, and 7j (MCL 722.622, 722.627, 722.627c, and 722.627j), section 2 as amended by 2002 PA 693, section 7 as amended by 2002 PA 661, section 7c as added by 1998 PA 428, and section 7j as added by 2002 PA 716.

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 Families and Human Services.

The President, Lieutenant Governor Cherry, resumed the Chair.

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 Scott 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. 554, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217a, 217d, 307, 312e, 312h, 320e, 801, 801d, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.307, 257.312e, 257.312h, 257.320e, 257.801, 257.801d, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 307 as amended by 2002 PA 534, section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, section 320e as amended by 1998 PA 346, section 801 as amended by 2002 PA 417, section 801d as amended by 1984 PA 123, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r and 810b; and to repeal acts and parts of acts.

Substitute (S-2).

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

1. Amend page 35, line 20, after "**fund.**" by inserting "**This subsection does not apply to an individual who has been allowed by his or her insurer to delete a portion of the coverages under an insurance policy covering a motor vehicle that is not driven upon a highway but who maintains a portion of the policy in effect.**".

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.

Scheduled Meetings

Appropriations - Thursday, June 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittee -

Capital Outlay - Thursday, June 19, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Banking and Financial Institutions - Thursday, June 12, 12:30 p.m., Room 100, Farnum Building (373-2417)

Conference Committee -

Appropriations Supplemental (HB 4032) - Thursday, June 12, 9:15 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-0797)

Education - Thursday, June 12, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Thursday, June 12, 8:30 a.m., Room 210, Farnum Building (373-1801)

Judiciary and House Veterans Affairs and Homeland Security - Thursday, June 12, 12:30 p.m., Room 519, House Office Building (373-3760)

Legislative Retirement Board of Trustees - Thursday, June 12, 9:30 a.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Thursday, June 12, 2:00 p.m., Room 110, Farnum Building (373-1707)

Natural Resources and Environmental Affairs - Thursday, June 12, 8:00 a.m., Room 110, Farnum Building (373-3447)

Senior Citizens and Veterans Affairs - Wednesday, June 18, 9:00 a.m., Room 110, Farnum Building (373-1707)

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

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, June 12, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate