

No. 13
STATE OF MICHIGAN
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92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, February 13, 2003.

10:00 a.m.

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

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

Allen—present
Barcia—present
Basham—present
Bernero—excused
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

Reverend Samuel Bullock of Bethany Baptist Church of Detroit offered the following invocation:

Gracious God, we thank You for the gift of life and the blessings of another day. We humbly and gratefully acknowledge Your glory and Your majesty. Be pleased to grant us Your divine presence and favor upon the men and women who govern within this great chamber.

I pray, O God, that Your grace and mercy rest upon their families and their affairs. Grant each of them good health, hearts filled with compassion, minds inclined to integrity, and tongues that speak the truth. Fill this very chamber with the spirit of Your righteousness. Grant this day that Your people whom they serve are blessed because this chamber is blessed.

In Your name I pray. Amen.

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

Motions and Communications

Senator Thomas entered the Senate Chamber.

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

Senator Hammerstrom moved that rules 3.901 and 3.902 be suspended to allow the guests of Senators Jacobs and Schauer admittance to the Senate floor for video recording.

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

Senator Hammerstrom moved that the rules be suspended and that the following appointments, now on Committee Reports, be placed on the order of Messages from the Governor for consideration today:

Director, Department of Environmental Quality

Steven Eugene Chester, 4350 Courtside Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

Director, Department of Community Health

Janet Deborah Olszewski, 530 Cedar Ridge Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 1, 2003, and expiring at the pleasure of the Governor.

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

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

Senate Bill Nos.	155	156	157	158	159	160	161	162	163	164	165	166	167	168
	169	170	171	172	173									
House Bill Nos.	4172	4173	4174	4175	4176	4177	4178	4179	4180	4181	4182	4183	4184	4185
	4186	4187	4188	4189	4190	4191	4192	4193	4194	4195	4196			
House Joint Resolution	D													

Messages from the Governor

Director, Department of Environmental Quality

Steven Eugene Chester, 4350 Courtside Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 12

Yeas—37

Allen
Barcia
Basham

Clarke
Cropsey
Emerson

Jacobs
Jelinek
Johnson

Sanborn
Schauer
Scott

Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

Senators Sikkema 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 Sikkema's statement is as follows:

I just want to make a few brief comments on behalf of Mr. Chester. First of all, I want to commend the Governor for this appointment, and I would certainly urge my Senate colleagues to consent to this appointment.

Mr. Chester is a very experienced person in terms of overseeing and administering environmental regulations, both here in Michigan and at the federal level. He really got his start in this area by working for former Attorney General Frank Kelley in the Environmental Protection Division of the Attorney General's office. He moved from there to the federal EPA where he was deputy enforcement counsel and deputy director of its Office of Criminal Enforcement. He also has considerable private sector experience, and he has practiced environmental law in this state for a number of years.

During his hearing in front of the Government Operations Committee, he demonstrated not only a very deep level of understanding of the challenges he faces, but I also think he displayed, clearly, at least to this member, that he intends to be very fair in the administration of this department. This department has a lot of regulatory programs and a lot of permit issues in front of it on a daily basis, and I am confident that he is approaching this job with a sense of fairness and equity that will stand him very well in the years ahead. So I would urge that the members consent to this appointment, Mr. President.

Senator Brater's statement is as follows:

I am honored, as the minority vice chair of the Natural Resources and Environmental Affairs Committee, to rise and join the Majority Leader in support of Governor Granholm's appointment of Steven Chester as Director of the Michigan Department of Environmental Quality.

Mr. Chester's strong commitment to protecting Michigan's natural resources makes him a highly qualified candidate for this very important position in our state. He supports a vision and policy of protecting Michigan's air, water, valuable farmlands, open spaces, cities, and ecologically significant lands. As the Majority Leader stated, Mr. Chester has a long history of protecting our country's and our state's environment beginning in 1982. He has served in the Wayne County prosecutor's office as an assistant prosecutor in the Air Pollution Control Division. It was stated that he also served in the Attorney General's office. He later moved to Washington, D.C., to take a position with the United States Environmental Protection Agency. He was the deputy director in the Office of Criminal Enforcement in 1994, where he was accountable for the day-to-day management of the U.S. EPA's criminal enforcement program. During his tenure with the EPA, Mr. Chester was responsible for the development of legal and investigative policy and guidance on national environmental crimes enforcement. However, in his hearing the other day, he did emphasize that he prefers a cooperative approach with a regulated community. He has represented the regulated community as well and understands their point of view and hopes to help them with compliance issues so that enforcement actions will not be necessary.

Since his return to Michigan in 1995, Mr. Chester has served with Miller, Canfield, Paddock and Stone, representing the regulated community. He has an undergraduate degree from Michigan State University and a law degree from Wayne State University. We are very fortunate to have someone as dedicated to the protection and preservation of Michigan's natural resources as Steven Chester.

I encourage you to join me in my support of him as the next director of the Michigan Department of Environmental Quality.

Director, Department of Community Health

Janet Deborah Olszewski, 530 Cedar Ridge Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 1, 2003, and expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 13

Yeas—37

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

Nays—0

Excused—1

Bernero

Not Voting—0

In The Chair: President

Senators Sikkema and Cherry asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sikkema's statement is as follows:

Mr. President and members, I also want to commend the Governor on this appointment. Janet Olszewski may be new to the Department of Community Health, but she is a certainly a familiar face around Lansing. She got her start in public service at the Michigan Office of Services to the Aging. She also had a number of positions in what I would call the old Department of Public Health here in this state, and more recently, she was vice president for government programs at an organization called M-CARE.

I will say to the members that during the confirmation hearing yesterday, she displayed an incredible knowledge of a variety of public health and mental health programs. This particular position, director of the Department of Community Health, because it has the Medicaid program in it, it is not going to be the easiest program in state government in the next few months and probably the next few years. I have to say that if anybody could get their arms around this problem and move the state ahead and deal with some of the challenges, I am confident that it is Janet Olszewski. So I would urge my colleagues to support this appointment.

Senator Cherry's statement is as follows:

I rise today to express my strong support for the nomination of Janet Olszewski as Director of the Department of Community Health. Governor Granholm has truly made an excellent choice. Ms. Olszewski will work to preserve the essential functions of our current health initiatives, including Medicaid, public health, mental health, and substance abuse programs. In doing so, she will also institute clear lines of responsibility and accountability for the entire department.

Prior to her nomination, Ms. Olszewski served as vice president of Governmental Programs and Regulations for M-CARE. With M-CARE, she directed the implementation of two Medicaid programs. One of those provided assistance for chronically ill children.

Ms. Olszewski also previously served as our state's director of Quality Improvement and Customer Services Bureau. In this role, she oversaw HMO licensure, quality oversight for Medicaid health plans, and consumer outreach.

On a personal note, Jan and I started our careers right around the same time, working in the Michigan Office of Services to the Aging. Our paths in public service went in different directions over the years, but I am now very excited to have the opportunity to work with her as we meet the health challenges that we have in Michigan.

For more than 25 years, Ms. Olszewski has served the people of Michigan with enthusiasm and compassion. She is inclusive in her decision-making, and I have heard only positive comments from those in the health field about the decisions she has already made. I am confident that she will continue to serve our state at the highest level, and I ask that my colleagues support her nomination.

The following message from the Governor was received and read:

February 12, 2003

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

Michigan Broadband Development Authority Board

James Walter Butler III, 1476 Stonegate Lane, East Lansing, MI 48823, county of Ingham, as a member, to a term expiring at the pleasure of the Governor.

Sincerely,
Jennifer M. Granholm
Governor

The appointment was referred to the Committee on Government Operations.

Resolutions

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

Senate Resolution No. 13

The resolution consent calendar was adopted.

Senators Bernero, Jacobs, Cropsey, Basham, Clarke, Bishop and Van Woerkom offered the following resolution:

Senate Resolution No. 13.

A resolution honoring James W. Butler III.

Whereas, It is with great pleasure that we join with the employees of the IBM Corporation in honoring James W. Butler III for his leadership in marketing and his unselfishness in sharing his talents and concerns with others in many ways. We wish him well upon his retirement after 30 years of dedicated service; and

Whereas, James began his outstanding career with IBM in the Washington, D.C., area in July 1972 as a marketing representative. He was later promoted to the position of field industry representative/manager at the Atlanta, Georgia, headquarters where his responsibilities included touring the country focusing on competitive marketing. James has held several managerial positions over the years with the most recent being business unit executive and senior location executive in Lansing, Michigan; and

Whereas, A key contributor to the success of IBM throughout his 30 years of employment and his duties as marketing manager, James is well acquainted with the challenge of working with others to solve problems. His understanding of the business world, specifically the ever-changing and always competitive computer services industry, has helped to point out this gentleman's greatest strength—working with people; and

Whereas, As is well-known to a host of individuals and service organizations, James has fashioned a second career in giving of himself to others. Many of the skills he has honed in the business world have proven invaluable in the endeavors he has advanced on behalf of key local organizations and institutions; and

Whereas, He has devoted himself to the Sparrow Health System Board, State Police Oral Board, Lansing Regional Chamber of Commerce, Lansing Entertainment and Public Facility Authority Board, Quick Response Team Board, National City Bank Board, LISC Board, and many others; and

Whereas, His unselfishness and leadership skills have benefited the Martin Luther King, Jr. Holiday Commission, the Junior Achievement Board, and the lives of many individuals. Clearly, Lansing is a far stronger community for the efforts of James Butler; now, therefore, be it

Resolved by the Senate, That we hereby honor James W. Butler III for his outstanding service to IBM and to the people of this community. We wish him well upon his retirement and all his future endeavors; and be it further

Resolved, That a copy of this resolution be transmitted to James W. Butler III as a symbol of our esteem.

Senators Thomas, Scott, Goschka, Clark-Coleman, Brater, Schauer and Switalski were named co-sponsors of the resolution.

Senate Resolution No. 7.

A resolution to express support for the proposed federal rules change to permit faith-based human service organizations to compete for grants through the United States Department of Housing and Urban Development.

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Jacobs, Hardiman, Johnson, Sanborn, Clark-Coleman and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Jacobs' first statement is as follows:

This morning we will be voting on a resolution to express support for the proposed federal rules change to permit faith-based human service organizations to compete for grants under the United States Department of HUD. I strongly urge my colleagues to vote "no" against Senate Resolution No. 7. While well-intended, the resolution really creates issues of philosophical, moral, constitutional, and practical concern.

It's important to note that faith-based organizations have not been prevented from competing for grants through HUD. Faith-based organizations currently receive federal money as long as they have a secular division of their organization to receive the money and carry out the nonreligious activities that the federal money is funding.

A perfect example of that is the Salvation Army. The government can and does work collaboratively with faith-based organizations right now. When these organizations receive public dollars, however, they must play by the same rules as other nonprofits. As my former employment with a faith-based organization that provided residential services to adults with developmental disabilities, we gathered money through the private sector, as well as through the public sector, but we never blurred the lines of religion as well as what we were providing to the people who were receiving service.

A concern is that not all faith-based organizations have well-established employment rights, civil rights, and anti-discrimination protections in place, which potentially opens the door to discrimination in hiring and in the clientele being served. You'll note that on your desk you'll find a memo from the NAACP. You would think that the NAACP, which represents a lot of members of the Black churches who run wonderful organizations throughout their churches would be in favor of this, but they also see the red flags that are out there by passing this type of resolution.

Under the President's initiative, religious organizations could use the money to construct or subsidize construction of churches, synagogues, temples, mosques, and other religious facilities, so long as part of the worship center is used for secular purposes. In my mind, this amounts to using public funds to finance the construction or renovation of religious buildings, and isn't this really tantamount to government financing of religion itself? There is no arguing that faith-based organizations are integral parts of their communities and neighborhoods, but we should be leery of any proposals that blur the separation between church and state. With that said, I cannot support this resolution.

Senator Hardiman's statement is as follows:

I rise in support of Senate Resolution No. 7, which was reported out of the standing Committee on Families and Human Services last Thursday. Faith-based organizations have provided comfort and security to Michiganians since the earliest days of statehood. From the streets of Detroit to the reaches of the Upper Peninsula, it's an integral part of our communities. Senate Resolution No. 7 would be a sign of support for the proposed amendments to HUD, which would allow programs to be funded regardless of whether they're administered by faith-based organizations. I believe it would put them on an equal footing.

At times the federal government has asked faith-based organizations to change who they are to provide these needed services. As an example, a few years ago, the Archdiocese of Los Angeles was contacted by a HUD employee with respect to the federal aid which was received for the St. Vincent DePaul Shelter for the Homeless. Basically, the HUD employee asked the Archdiocese if they would change the name to Mr. Vincent DePaul Shelter. That's only one example.

The First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Therefore, the government cannot establish religion, nor can it discriminate against it. Thus, faith-based organizations must be given the same opportunities as secular organizations.

Why do we need this? The proposed HUD rules would make it clear that faith-based organizations could apply. They would not need to fear pressure to change their name, remove important sacred symbols from their facilities, or otherwise change who they are. In fact, who they are has helped them to be a blessing to the communities. Senate Resolution No. 7 is meant to encourage the federal rule changes to increase the likelihood that groups in forgotten and neglected corners of our society can move to meet the needs, even if they are faith-based.

Let me speak to the issue of the employment. These rules do not affect the employment issue. Those are governed by the Civil Rights Act. So these rules do not affect the employment issue. Senate Resolution No. 7 does not change any existing laws or rules in regards to employment discrimination. It does not expand, nor does it undercut Title VII of the federal Civil Rights Act.

With regard to church buildings, the rules clearly apply to funding activities apart from religious worship. HUD funds may be used for acquisition, construction, or rehabilitation of structures, only to the extent that those structures are used for conducting eligible activities under specific HUD programs.

So my colleagues, Mr. President, I do ask for your support of Senate Resolution No. 7. I thank you for your time.

Senator Johnson's statement is as follows:

I rise in support of Senate Resolution No. 7 for a whole bunch of reasons. I think what most of us need to do is take a look at exactly what it is we do fund today. We have multiple personal-service contracts with faith-based organizations: Catholic Social Services, Salvation Army, the Jewish Federation; the ACCESS organization gets bunches of dollars from this body and the one across the hall.

Currently, little old St. Dennis Catholic Church in Royal Oak is actually receiving and warms and houses in their Catholic school more homeless people than any other area within the south Oakland County corridor. They're doing it at their expense. They would love an opportunity to get some matching grants in order to build a facility. They have the land to build a facility to house the homeless they maintain every day and every night. They feed them breakfast, and they come back after the kids have left the school. They can camp out in that facility, and they can stay until the next day when the children come back.

This is not an unusual situation. We mix and match so much these days that it's incredible. This is just one more step towards allowing organizations that do a spectacular job in the social services area to be able to have some accommodating housing.

Senator Sanborn's statement is as follows:

I'd like to offer my support for Senate Resolution No. 7 offered by my friend, the Senator from the 29th District. Senate Resolution No. 7 expresses support for the proposed federal rules change that would allow faith-based human service organizations to compete for grants administered by HUD. Faith-based organizations do a wonderful job in providing services in health, welfare, and caring for citizens in need.

It is in the interest of fairness that we allow these service organizations to compete for these grants. I urge your support for Senate Resolution No. 7.

Senator Clark-Coleman's statement is as follows:

I rise to oppose this resolution, and it is not an easy thing for me, being the wife of a senior pastor who runs one of our great churches in the great city of Detroit.

After looking at some detailed outcome from this program that was initiated in Texas, which was far from leveling the playing fields, Texas now gives preferential treatment in state contracting to faith-based service providers, often appearing to pass over more experienced and cost-effective secular providers in favor of faith-based applicants. Individuals in need have been forced, in some cases by court order, to seek services from faith-based providers. Individuals under court order have no recourse if they are dissatisfied with such faith-based treatment.

As a condition of treatment, individuals in need have been forced to participate in religious activities funded in part by tax payer dollars. Also faith-based providers have been given exemptions from some state licensing, health and safety standards allowing some faith-based programs with documented histories of abuse and neglect to continue to operate, while their clients remain unaware that the program does not meet strict standards.

Finally, deregulation of faith-based programs under the present administration, the federal administration initiatives have allowed providers to treat physical diseases like alcohol and drug addiction as sins and refuse to offer individuals medical treatment for these illnesses. For this reason, I encourage our members to vote "no" on this.

Senator Jacob's second statement is as follows:

Mr. President, I would just like to comment to my good friend the Senator from Royal Oak. Actually, the reason I brought up the Salvation Army is because it is—and I singled out the Salvation Army—an organization that does play by the rules, and it doesn't need to have anything special because they do what they are supposed to do. They are a remarkable organization that does minister to people of all faiths. I think the most important thing that we need to know is that all of us in this august body, we represent all the people of Michigan. We need to reflect that in our actions here on the Senate floor. We need to reflect that in our invocations. We need to reflect that in the kinds of bills that we pass. I think it is important to know that we are the faces of Michigan. We do represent the diversity, the rich tapestry of Michigan, and we should take that into consideration as we vote each day.

Senator Cassis' statement is as follows:

Some time ago, *The Wall Street Journal* ran an article highlighting some of the social and emotional rewards that are offered by faith-based organizations. There were some wonderful spin-off effects that were emphasized.

We talk a lot about costs, but there is also the human cost. When service is provided by a faith-based provider, it enhances the bonding and establishes a special relationship between people that encourages them, supports them, and provides a caring environment. And we see all sorts of new self-esteem and self-confidence resulting from such bonding.

This can't be measured in terms of dollars and cents. It can only be measured in what profound impact it has on changing the lives of people.

Senators McManus, Prusi, Allen, Switalski, Stamas, Garcia, Goschka, Kuipers, Van Woerkom, Barcia and Cherry offered the following resolution:

Senate Resolution No. 14.

A resolution to urge the Department of Natural Resources and the Department of Transportation to work with the state's travel organizations and law enforcement agencies to establish a program to inform snowmobilers of dangerous conditions.

Whereas, Snowmobiling has become a major recreational activity in Michigan over the past few decades. Its growth has contributed enormously to winter tourism and transformed some communities through special events bringing large numbers of people together to enjoy the outdoors; and

Whereas, This winter has witnessed several tragic accidents involving snowmobiles. While there are always concerns for safety surrounding any type of vehicle, several of this year's accidents have resulted from people taking their machines upon ice that is too thin. This has apparently occurred because of unusual weather conditions. The temptation to use snowmobiles on the ice more than usual when there is little snow for trails on land likely has contributed to the problems, as has the fact that many inland lakes have had more open water than is expected in mid-winter; and

Whereas, Although local groups and agencies do try to provide warnings when dangerous conditions prevail, there are many people who feel a more comprehensive effort could reach more snowmobilers with information that could save lives. With well over 200,000 registered snowmobiles and the number of people who travel far from their homes to enjoy this sport, a more coordinated effort to provide warnings and reports could do a great deal of good. A coalition of travel organizations, law enforcement agencies, and the state's transportation and recreation groups should address this issue; now, therefore, be it

Resolved by the Senate, That we urge the Department of Natural Resources and the Department of Transportation to work with the state's travel organizations and law enforcement agencies to establish a program to inform snowmobilers of dangerous conditions; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources, the Department of Transportation, AAA of Michigan, and officials representing the state's snowmobile groups and retailers and the travel industry.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

House Concurrent Resolution No. 5.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues.

Whereas, For several decades, Michigan has sent much more federal highway tax money to Washington than it has received in return. This imbalance has helped our nation build the country's highway infrastructure. With the national infrastructure largely completed, the continuation of the imbalance has created a serious challenge for Michigan and other "donor states"; and

Whereas, Michigan, which typically loses between \$150 million and \$400 million each year by sending more to Washington than it receives, is severely hampered. The unfair practice of contributing hundreds of millions of dollars beyond the amount we receive to fund projects in other parts of the country makes it far more difficult for Michigan to maintain the quality of its highways. The loss of funding also represents a serious loss of economic activity; and

Whereas, The chairman of the House Transportation and Infrastructure Committee and the chairman of the Senate Environment and Public Works Committee in Congress have proposed a major change in how federal highway funds are distributed. They have called for a funding formula that would guarantee that all states receive a minimum of 95 percent of what they each contribute to the federal highway program; and

Whereas, The potential impact for Michigan of a guarantee of at least 95 percent of this funding would be very significant. Even as the economy calls for more careful public expenditures, this proposed policy change would help Michigan and bring greater fairness to the issue of transportation spending. Citizens, visitors, and businesses of this state would benefit enormously from this long overdue policy; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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 Transportation.

The motion prevailed.

Senators Allen, Bishop, Brater, Cassis, Cropsey, Goschka, Jacobs, Kuipers, Schauer, Scott, Switalski and Thomas were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Hardiman's statement is as follows:

Mr. President and colleagues, I rise today to make a statement about this week. As all of you know, tomorrow is Valentine's Day. What some of you may not know is this is recognized as Marriage Week. I would like to say just a few words about that wonderful institution of marriage.

First of all, let's talk about our children. Some years ago, many civic leaders, political leaders, and spiritual leaders began to think that one of the best things that we could do for young people is to increase the number of healthy two-parent married families. Statistics show that children who are born and raised in a healthy two-parent home have a much better chance at life. They have lower rates of teenage delinquency, teenage pregnancy, school drop-out rates, and on and on the list goes. There has been recent research that has shown that it can be very positive for adults. Now many of us can think of situations where there was an abusive situation; that's not what I am talking about. I am talking about where there is a very positive lifelong commitment in marriage. These are the kinds of relations that should be celebrated, and this is a wonderful week to do that. So I would commend all the statewide and community organizations that are working to strengthen the institution of marriage.

In the Grand Rapids area, I was part of founding an organization which was called Healthy Marriages in Grand Rapids about six years ago. It has worked with churches and houses of worship and civic leaders to help strengthen marriages in that community. I would also commend and challenge all of us on this Senate floor who have those healthy marriages to share those with others. Mentoring is a wonderful way to do that.

Finally, I commend this institution, and I would like to wish you all a wonderful and happy Valentine's Day as well.

Senator Birkholz's statement is as follows:

Recent news reports in our media have indicated that Canadian officials have begun to seriously reconsider the shipment of solid waste into our state of Michigan. Chris Korwin-Kucynski of Toronto's City Council believes that the city should have a plan in place for handling its own trash. Many other Canadians agree with him. Michigan takes in so much trash because its landfills have excess capacity and are well-designed, and tipping fees are relatively inexpensive. Several years ago, our state took its responsibility to manage its own waste very seriously and put a plan in place that would provide landfill space well into our future. Now we are paying the price for that sense of responsibility.

As you all know, there is legislation at both the state and federal level that would propose solutions to this influx of waste. Although we are hopeful that something will come of these proposals, chances are that an immediate legislative answer is still some time off. Although Michigan is currently ranked third in trash imports for most out-of-state sources, it must be recalled that we are a net exporter of hazardous waste. Clearly, we have our own problems to look at as well.

Recently, I was interviewed by a Canadian TV broadcast team and the question of being a net exporter of hazardous waste was raised. My response to them and my point today is that as partners, as joint caretakers of the Great Lakes basin, we owe it to the people of the basin—not just our own states, but to all who call the Great Lakes their home—to manage our waste wisely. Clearly, we need to do more to reduce, reuse, and recycle our products to eliminate the need for large landfills, to eliminate the need to export hazardous waste, and to eliminate the need to ship waste over our roads, bridges, and even our lakes.

I take the responsibility to protect our Great Lakes very seriously. As in discussions over the current Annex 2001 and in my own plans to create a Great Lakes legislative caucus, I know that we must own up to our regional responsibilities. These recent news accounts seem to indicate that important officials in Canada have that same sense of responsibility, and I heartily encourage them to continue this vein of thought. Together, through a focus on better recycling and managing of our waste, we can bring an end to a process that seems to divide our nations. Instead, we must, for the good of our lakes, work together as joint stewards.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Stamas, Brown, Garcia, Jelinek, Goschka, McManus and Allen introduced

Senate Bill No. 180, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 224.

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

Senator Patterson introduced

Senate Bill No. 181, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 625, 625a, 625c, 625g, and 625m (MCL 257.625, 257.625a, 257.625c, 257.625g, and 257.625m), 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, and section 625g as amended by 1999 PA 73.

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

Senator Patterson introduced

Senate Bill No. 182, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 48 of chapter XVII (MCL 777.48), as amended by 2000 PA 279.

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

Senators Cropsey, Brown, Jelinek, Garcia, Birkholz, McManus, Stamas, Sikkema, Goschka and Allen introduced

Senate Bill No. 183, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 11 (MCL 388.1611), as amended by 2002 PA 521.

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

Senators Garcia, Goschka, Gilbert, McManus, Van Woerkom, Allen, Kuipers, Stamas and Cropsey introduced

Senate Bill No. 184, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” (MCL 205.91 to 205.111) by adding section 4w.

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

Senator Thomas introduced

Senate Bill No. 185, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding part 55A.

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

Committee Reports

The Committee on Government Operations reported the following appointment to office:

Director of Department of Environmental Quality

Steven Eugene Chester, 4350 Courtside Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 6, 2003, and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said appointment.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Jacobs and Thomas

Nays: None

The appointment was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, February 11, 2003, at 1:05 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

The Committee on Government Operations reported the following appointment to office:

Director of Department of Community Health

Janet Deborah Olszewski, 530 Cedar Ridge Drive, Williamston, Michigan 48895, county of Ingham, for a term commencing on January 1, 2003, and expiring at the pleasure of the Governor.

With the recommendation that the Senate advise and consent to the said appointment.

Kenneth R. Sikkema
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

Nays: None

The appointment was placed on the order of Messages from the Governor.

COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Wednesday, February 12, 2003, at 1:02 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Emerson, Jacobs and Thomas

COMMITTEE ATTENDANCE REPORT

The Subcommittee on History, Arts, and Libraries submitted the following:

Meeting held on Tuesday, February 11, 2003, at 1:00 p.m., Room 100, Farnum Building

Present: Senators George (C) and Clarke

Excused: Senator McManus

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 11, 2003, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

Scheduled Meetings

Agriculture, Forestry and Tourism - Thursday, February 20, 9:00 a.m., Room 110, Farnum Building (373-1635)

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

Appropriations -**Subcommittees -**

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

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

Commerce, Labor and Economic Development - Wednesdays, February 19, February 26, and March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2420)

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

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

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

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

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

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

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:50 a.m.

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

CAROL MOREY VIVENTI
Secretary of the Senate