

**No. 79**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Wednesday, October 1, 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—excused  
Toy—present  
Van Woerkom—present

Pastor Juan Holguin of Good Shepherd Baptist Church of Lansing offered the following invocation:

Dear Heavenly Father, we just come before You in the name of Jesus to ask You to bless this meeting we are about to have. We pray for all the leaders of this state, that You grant them the knowledge and the wisdom that they need to conduct the state to be healthy, to be well, and to seek Your direction—because we know that You know all things. We know that the fear of the Lord is where wisdom begins, so we thank You once again for giving us the privilege to come before You, so that we can use Your power and leadership to lead us to do what needs to be done for the state of Michigan. We thank You once again. Bless every individual who is here today, and let us join together to do Your will for the state of Michigan.

In Jesus' precious name. Amen, Amen.

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

### **Motions and Communications**

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

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

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, September 30:  
**House Bill Nos. 4641 4642**

### **Messages from the Governor**

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

**Senate Bill No. 195**

**Senate Bill No. 364**

**Senate Bill No. 293**

**Senate Bill No. 265**

**Senate Bill No. 288**

**Senate Bill No. 540**

**Senate Bill No. 283**

**Senate Bill No. 464**

**Senate Bill No. 466**

The motion prevailed.

The following message from the Governor was received on September 30, 2003, and read:

#### **EXECUTIVE ORDER**

No. 2003-15

### **Michigan Clean Water Corps**

#### **Department of Environmental Quality**

Whereas, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

Whereas, Section 1 of 1931 PA 195, MCL 10.51, authorizes and empowers the Governor, at such times and for such purposes as the Governor deems necessary or advisable, to create special advisory bodies consisting of as many members as the Governor deems appropriate;

Whereas, the State of Michigan is blessed with an abundance of fresh water, including 3,251 miles of Great Lakes shoreline, 36,350 miles of streams and rivers, and over 11,000 inland lakes;

Whereas, Michigan's lakes and streams are of exceptional quality when compared to the rest of the nation and are undoubtedly among the state's most valuable resources;

Whereas, because the Department of Environmental Quality is charged with monitoring and protecting water quality in Michigan's lakes and rivers, the Department has established water quality monitoring and assessment programs, including volunteer monitoring programs for inland lakes and streams;

Whereas, the Department of Environmental Quality has developed a Strategic Environmental Quality Monitoring Program for Michigan's Surface Waters;

Whereas, Michigan citizens need to play an active role in protecting the state's water resources;

Now, Therefore, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

### **I. MICHIGAN CLEAN WATER CORPS**

A. The Michigan Clean Water Corps ("Corps") is created as an advisory body to the Department of Environmental Quality ("DEQ"). The Corps shall assist the DEQ in carrying out its mission to preserve and protect Michigan waters from impairment or destruction.

B. The primary responsibility of the Corps shall be to assist the DEQ in establishing a comprehensive statewide volunteer water quality monitoring network, built on the foundation of volunteer monitoring programs already established by the DEQ, and to encourage the participation of other water quality monitoring programs in the Corps.

C. The Corps shall:

1. Solicit and organize volunteer monitors into a volunteer monitoring network to facilitate communication, data and information sharing, common methods, and quality assurance practices.

2. Advise and assist the DEQ in educating Michigan citizens about water quality issues and the need to foster exemplary environmental stewardship.

3. Advise and assist the DEQ in gathering and exchanging reliable and meaningful water quality data for water resources management and protection programs at the state and local level.

4. In cooperation with the DEQ establish an Internet-based program to assist Corps participants, including an enrollment registry, directory of member organizations, a data exchange platform, volunteer monitoring resources, training aids, and a newsletter.

5. Develop a volunteer monitoring recognition program with a Certificate of Recognition for each member organization and a Certificate of Participation for each volunteer member.

### **II. OPERATIONS OF THE CORPS**

A. The Director of the DEQ or his or her designated representative shall serve as Chairperson of the Corps.

B. The Corps shall be staffed by personnel from and be assisted by the DEQ.

C. The DEQ may adopt procedures for the Corps, not inconsistent with Michigan law and this Order, governing its organization and operations. The DEQ may establish Corps committees and request public participation on advisory panels as it deems necessary.

D. In developing recommendations, the DEQ or the Corps may, as appropriate, make inquiries, studies, or receive comments from the public. The DEQ may consult with outside experts in order to assist the DEQ and the Corps in the performance of their duties.

E. The DEQ may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of powers and the performance of duties under this Order as the Director of the DEQ deems advisable and necessary, in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

F. The Corps may accept donations of labor, services, or other things of value from any public or private agency or person.

G. The DEQ shall coordinate legal, legislative, and media contacts regarding the Corps.

### **III. MISCELLANEOUS**

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the DEQ or to any member or representative of the DEQ, any necessary assistance required by the DEQ, or any member or representative of the DEQ, in the performance of the duties of the DEQ or the Corps under this Order, so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the DEQ or the Corps.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

Jennifer M. Granholm  
Governor

By the Governor:  
Terri Land  
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on September 30, 2003, and read:

EXECUTIVE ORDER  
No. 2003-16

**End of State of Energy Emergency**

Whereas, Article V, Section 1 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

Whereas, under Section 3 of 1982 PA 191, MCL 10.83, a state of an energy emergency declared by the Governor is effective for the shorter of 90 days or until a finding that the energy emergency no longer exists;

Whereas, the Chairperson of the Energy Advisory Committee has advised that the energy emergency recognized by Executive Order 2003-11 no longer exists;

Now, Therefore, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. The state of energy emergency proclaimed on August 21, 2003 under Executive Order 2003-11 is rescinded, effective immediately.

2. Executive Order 2003-12 is rescinded, effective immediately.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 30th day of September, 2003.

Jennifer M. Granholm  
Governor

By the Governor:

Terri Land

Secretary of State

The Executive Order was referred to the Secretary for record.

**Third Reading of Bills**

The following bill was read a third time:

**House Bill No. 4632, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 394 (MCL 750.394).

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. 433**

**Yeas—34**

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

**Nays—0**

**Excused—4**

Barcia

Bernero

Brown

Thomas

**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 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.”.

The Senate agreed to the full title.

Senator Brown entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 4633, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2000 PA 279.

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. 434**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Bernero	Thomas
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**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 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.”

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 4715, entitled**

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 780.651), as amended by 2002 PA 506.

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. 435**

**Yeas—35**

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

**Nays—0**

**Excused—3**

Barcia	Bernero	Thomas
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**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. The Senate agreed to the title of the bill.

### 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 Clark-Coleman 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. 725, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 27 (MCL 42.27), as amended by 1988 PA 82.

**Senate Bill No. 224, entitled**

A bill to designate the fourth Friday in April of each year as children's memorial day in the state of Michigan.

**House Bill No. 4967, 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:

**Senate Bill No. 474, entitled**

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

Substitute (S-4).

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.

During the Committee of the Whole, Senators Barcia and Bernero entered the Senate Chamber.

### Resolutions

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

**Senate Resolution No. 157**

**Senate Resolution No. 158**

**Senate Resolution No. 159**

**Senate Resolution No. 160**

**Senate Resolution No. 161**

The resolution consent calendar was adopted.

Senator Sikkema offered the following resolution:

**Senate Resolution No. 157.**

A resolution honoring Stephen Wagner.

Whereas, Stephen Wagner is a graduate of Michigan State University earning his Bachelor of Arts degree in communication arts; and

Whereas, Stephen has served the American Council of Engineering Companies of Michigan (ACEC-MI) for thirty-five years as its executive director. ACEC-MI is an association of consulting engineering, architectural engineering, surveying, and related scientific companies. It has 120 member firms in Michigan, employing more than 4,000 people; and

Whereas, In 1987, Stephen was instrumental in the formation of the Quality Based Selection (QBS) Coalition, which is comprised of ACEC-MI and other associations affiliated with the professions of architecture, professional

engineering, and professional surveying. QBS is an educational association dedicated to informing the public and government about the best practices when choosing a design professional for a project; and

Whereas, In 1994, he became a certified association executive of the American Society of Association Executives. He is also a graduate of the U.S. Chamber of Commerce, Institute for Organization Management, and he is a member of the Capitol Club, an organization of Lansing-based business and professional associations; and

Whereas, Stephen Wagner has been a dedicated professional for ACEC-MI and the design professions in general. He has been an active advocate for enforcement and enactment of laws dedicated toward the protection of the public's health and safety. He is a person of great integrity and has gained the respect and admiration of his peers, both the public and the professions, from his service; and

Whereas, A loving father and husband, Stephen has been married to Lana Wagner for thirty-six years, and they are the proud parents of two daughters; now, therefore, be it

Resolved by the Senate, That the members of this legislative body join with his friends and family to commend and congratulate Stephen Wagner on his outstanding career. May he enjoy a long and fulfilling retirement; and be it further

Resolved, That a copy of this resolution be transmitted to Stephen Wagner as evidence of our highest esteem.

Senator Hammerstrom moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Clarke offered the following resolution:

**Senate Resolution No. 158.**

A resolution to honor Cedric Redus.

Whereas, It is a great pleasure to commend and thank Cedric Redus for his unselfish deed of saving a life at considerable risk to his own. His energy, thoughtfulness, and respect for humanity has been deeply appreciated by the citizens of the state of Michigan; and

Whereas, A native Detroitier who graduated from Denby High School in 2001, Cedric Redus has displayed the highest standard of citizenship in the state of Michigan by giving Mr. Joel Puz a true gift of life; and

Whereas, On the 16th day of September in the year 2003, Cedric Redus, along with Latoris Shepherd and Michael Travis, rescued Mr. Joel Puz from a crashed gasoline tanker that exploded immediately afterward on Interstate 75 at Clark Street in the city of Detroit; and

Whereas, A member of Community Christian Fellowship Church, Cedric's heroism exemplifies the gospel teachings of "Do unto others as you would have them do unto you." Cedric Redus has been able to draw upon the strength of his faith in his quest to "Love thy neighbor"; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank Cedric Redus for this notable lesson in human kindness to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Cedric Redus as evidence of our gratitude and best wishes.

Senator Clarke offered the following resolution:

**Senate Resolution No. 159.**

A resolution to honor Latoris Shepherd.

Whereas, It is a great pleasure to commend and thank Latoris Shepherd for his unselfish deed of saving a life at considerable risk to his own. His energy, thoughtfulness, and respect for humanity has been deeply appreciated by the citizens of the state of Michigan; and

Whereas, A native Detroitier who graduated from Denby High School in 2001, Latoris Shepherd has displayed the highest standard of citizenship in the state of Michigan by giving Mr. Joel Puz a true gift of life; and

Whereas, On the 16th day of September in the year 2003, Latoris Shepherd, along with Cedric Redus and Michael Travis, rescued Mr. Joel Puz from a crashed gasoline tanker that exploded immediately afterward on Interstate 75 at Clark Street in the city of Detroit; and

Whereas, A member of Community Christian Fellowship Church, Latoris' heroism exemplifies the gospel teachings of "Do unto others as you would have them do unto you." Latoris Shepherd has been able to draw upon the strength of his faith in his quest to "Love thy neighbor"; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank Latoris Shepherd for this notable lesson in human kindness to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Latoris Shepherd as evidence of our gratitude and best wishes.



Senator Clarke offered the following resolution:

**Senate Resolution No. 160.**

A resolution to honor Michael Travis.

Whereas, It is a great pleasure to commend and thank Michael Travis for his unselfish deed of saving a life at considerable risk to his own. His energy, thoughtfulness, and respect for humanity has been deeply appreciated by the citizens of the state of Michigan; and

Whereas, A native Detroiter who graduated from Denby High School in 2001, Michael Travis has displayed the highest standard of citizenship in the state of Michigan by giving Mr. Joel Puz a true gift of life; and

Whereas, On the 16th day of September in the year 2003, Michael Travis, along with Latoris Shepherd and Cedric Redus, rescued Mr. Joel Puz from a crashed gasoline tanker that exploded immediately afterward on Interstate 75 at Clark Street in the city of Detroit; and

Whereas, A member of Community Christian Fellowship Church, Michael's heroism exemplifies the gospel teachings of "Do unto others as you would have them do unto you." Michael Travis has been able to draw upon the strength of his faith in his quest to "Love thy neighbor"; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to commend and thank Michael Travis for this notable lesson in human kindness to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Michael Travis as evidence of our gratitude and best wishes.

Senator Clarke offered the following resolution:

**Senate Resolution No. 161.**

A resolution memorializing the life of Harry P. Guy, 1870 - 1950.

Whereas, Harry P. Guy was a master musician who contributed immensely to the cultural health of his community; and

Whereas, Mr. Guy served as Minister of Music at St. Matthew's Episcopal Church of Detroit from 1897 to 1909, and therein, established its first Boy's Choir; and

Whereas, Harry P. Guy was instrumental in establishing the first African American Academy of Music in Detroit; and

Whereas, He was a cultural activist and a leading figure in establishing the first musician's union in Detroit; and

Whereas, The Society of the Culturally Concerned has rallied Detroit's cultural community to honor Harry P. Guy and place a headstone on his unmarked grave; now, therefore, be it

Resolved by the Senate, That we hereby accord posthumous recognition to the outstanding service and citizenship that Harry P. Guy has provided; and be it further

Resolved, That a copy of this resolution be transmitted to the Society of the Culturally Concerned as a token of our support.

Senators Gilbert, Bishop, Patterson, Brown, Sanborn, Toy, Cassis, Stamas, Johnson, Cropsey, Van Woerkom, Basham, Allen and Kuipers offered the following resolution:

**Senate Resolution No. 156.**

A resolution to proclaim October 2003 as Identity Theft Awareness Month in Michigan.

Whereas, Identity theft crimes have been steadily on the rise in America for the past decade; and

Whereas, The crime of identity theft is multifaceted, and criminals often gain access to personal records through mail theft, Internet fraud, lost or stolen personal items, burglary, phone scams, eavesdropping, unethical use of public documents, and stolen medical records, as well as many other unscrupulous measures; and

Whereas, A high percentage of identity theft cases in Michigan remain unsolved; and

Whereas, Victims of identity theft often spend years rectifying their credit and recovering their identity; and

Whereas, The awareness of identity theft crimes has led to increased consumer protection; and

Whereas, Having a strong financial literacy will help consumers protect themselves from thieves wishing to gain access to personal and financial documents; and

Whereas, Having applicable laws and enforcement to seek and prosecute identity theft criminals is imperative to ensuring the safety of one's identity. Efficient coordination of judicial and law enforcement units is essential to tracking identity theft criminals; and

Whereas, It is critical to require those offering extensions of credit to consumers do so in a responsible, fraud-proof manner; and

Whereas, This proclamation promotes the awareness of identity theft and encourages citizens and government to institute protective measures to ensure the safety and privacy of one's identity; now, therefore, be it

Resolved by the Senate, That the members of this legislative body proclaim October 2003 as Identity Theft Awareness Month in Michigan. We encourage all citizens to support the efforts and join in by taking measures to promote the safety and security of their identity.

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 Judiciary.

The motion prevailed.

Senators Birkholz, Clarke and Olshove were named co-sponsors of the resolution.

Senator Patterson offered the following resolution:

**Senate Resolution No. 162.**

A resolution to memorialize the President and the Congress of the United States to increase funding available for home heating assistance to cope with the rise in natural gas costs expected this winter.

Whereas, For a variety of reasons, natural gas prices have risen significantly over the past year. While this increase in cost has already exacted a toll in many areas of our national economy, the full impact has yet to be felt. This winter, when seasonal demand reaches its peak, costs are expected to strike a terrible blow to people who have had difficulties paying their home heating bills even before the recent increase in prices; and

Whereas, Public and private programs offering help to low-income families trying to heat their residences are already stretched thin. This winter's situation is expected to bring a crisis to many people, including the low-income seniors who will almost surely face the awful choice of eating or heating; and

Whereas, With summer prices of natural gas at near record highs, Michigan's Public Service Commission has warned that homeowners can expect increases of \$30 a month or more. Gas companies in Michigan and across the country are urging their customers to take steps to prepare for the winter's costs. Another key part of dealing with this problem will be for Congress to significantly increase funding available to help state programs for low-income residents; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States to increase funding available for home heating assistance to cope with the rise in natural gas costs expected this winter; 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.

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 Technology and Energy.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Garcia's statement is as follows:

I have a resolution that I would like to read to the body. It's Senate Resolution No. 154, adopted by the Senate on September 25 of this year. As I had mentioned earlier today, it's Hispanic Heritage Month celebration day. What I would like to do is offer for the record the resolution that was adopted by the Senate and was co-sponsored by many of my good colleagues here in this room:

"A resolution to recognize September 15, 2003, through October 15, 2003, as Hispanic Heritage Month.

Whereas, Spanish-speaking people have brought to our nation the gifts of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theater, and exploration; and

Whereas, Michigan is fortunate to count among its population a large concentration of citizens of Spanish and Latin American descent—including those who have lived in Michigan for generations and those who are new to the Great Lakes state—who contribute to Michigan's economy and society through their commitment to professions, commerce, family, and the arts; and

Whereas, Time and again throughout our nation's history, Hispanic Americans have faithfully defended the principles of freedom and representative government, and indeed, 41 Hispanic Americans have earned the nation's highest honor, the Congressional Medal of Honor; and

Whereas, During the month spanning from September 15 - October 15, Michigan's Hispanic-American community will celebrate Hispanic Heritage Month through a series of special programs featuring Hispanic history, food, dance, and art; now, therefore, be it

Resolved by the Senate, That we hereby recognize September 15, 2003, through October 15, 2003, as Hispanic Heritage Month in the state of Michigan. We encourage all citizens to acknowledge and applaud the many contributions made by these individuals to enhance the quality of life in this state."

Adopted by the Senate, September 25, 2003. Signed Carol Morey Viventi, Secretary of the Senate.

Senator George's statement is as follows:

I rise to comment on an article that is in today's Lansing State Journal that relates to the Governor's selection of the new state quarter design. I also heard a report of this on the radio this morning on my way to Lansing. As you may know, there were several designs that had been proposed, and the Governor settled on a design that will be on Michigan's state quarter soon. I wanted to commend her for making the right choice. There had been several designs that had been offered, and many of them were cluttered with small images of automobiles, the Mackinac Bridge, and things like that which obscure the outline of the state. In the end, she chose the design which was the simplest but probably the most dramatic and effective representation of Michigan's features. That is its outline with the outline of the Great Lakes.

I also want to point out though that there is a very serious flaw in the quarter design. I don't believe the Governor has any control over this. The quarter also lists the year that, supposedly, Michigan became a state. It has the wrong year listed. It has 1837 listed. Of course, that's the year that the federal government accepted us into the Union.

If you know your state history, you know that Michigan declared itself a state, adopted a constitution, held a referendum, elected its first governor, elected two U.S. senators, and elected a congressman—all in 1835. So for all intents and purposes, the people of the day considered Michigan a state in 1835. The federal government didn't recognize us until 1837 due to a boundary dispute with Ohio, but that's not the state's fault; that's their fault. So this quarter, unfortunately, takes the federalist side of the question and improperly reflects Michigan's history by choosing 1837. Our state seal, by the way, in Roman numerals, has the proper year—1835.

I think the Governor probably had no choice in that matter. I think she picked the right design, but unfortunately, there is a serious flaw in the quarter that I thought you should be aware of.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senator Patterson introduced  
**Senate Bill No. 750, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 20e (MCL 791.220e), as amended by 2002 PA 670.

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

**House Bill No. 4641, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 30502a.

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

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

**House Bill No. 4642, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30501, 30502, and 30506 (MCL 324.30501, 324.30502, and 324.30506), as added by 1995 PA 59.

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

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

### Committee Reports

The Committee on Transportation reported  
**Senate Concurrent Resolution No. 29.**

A concurrent resolution to memorialize the United States Congress to address the issue of traffic stoppages at railroad crossings.

(For text of resolution, see Senate Journal No. 69, p. 1298.)

With the recommendation that the concurrent resolution be adopted.

Judson Gilbert II  
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Transportation reported  
**Senate Resolution No. 134.**

A resolution to memorialize the United States Congress to address the issue of traffic stoppages at railroad crossings.

(For text of resolution, see Senate Journal No. 69, p. 1298.)

With the recommendation that the resolution be adopted.

Judson Gilbert II  
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Transportation reported  
**House Bill No. 4457 entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 676 (MCL 257.676), as amended by 1980 PA 518.

With the recommendation that the bill pass.

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

Judson Gilbert II  
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation reported  
**House Bill No. 4895, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 67.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 1, line 2, after "**James**" by inserting "**M.**".

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

Judson Gilbert II  
 Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, September 30, 2003, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

## COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Thursday, September 25, 2003, at 2:00 p.m., Room 210, Farnum Building

Present: Senators Kuipers (C), Cassis, Van Woerkom and Clark-Coleman

Excused: Senator Leland

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Tuesday, September 30, 2003, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

## COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Joint meeting held on Tuesday, September 30, 2003, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

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

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

**Capital Outlay** - Thursday, October 2, 8:45 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Natural Resources Department** - Thursday, October 2, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

**Families and Human Services** - Thursday, October 2, 8:30 a.m., Room 210, Farnum Building (373-1801)

**Finance** - Mondays, October 6, 10:00 a.m., Holiday Inn, 501 Saginaw Street, Bay City; and October 13, 10:00 a.m., Room 138, DeVos Center, Grand Valley State University, 401 W. Fulton Street, Grand Rapids (373-1758)

**Judiciary** - Friday, October 3, 2:00 p.m., Kalamazoo County Administration Building, 201 W. Kalamazoo Avenue, Kalamazoo (373-3760) (CANCELED)

**Michigan Capitol Committee** - Thursday, October 9, 9:00 a.m., Room 426, Capitol Building (373-0289)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:51 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, October 2, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate