

No. 88
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Wednesday, October 22, 2003.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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 Christopher Schroeder of Calvary Bible Chapel of Macomb Township offered the following invocation:

Father, we come before You in the name of our Lord Jesus, and we thank You that we have this ability to come boldly before the throne of grace to find grace and help in our time of need.

In these days that are pressed before us, we need You, we need Your help, and we need Your wisdom. Your Word is very clear that righteousness exalteth a nation, but sin is the reproach of any people. Help us, Lord, to do the right things—to think the right thoughts.

Give us Your wisdom in the legislation and in the personal lives of each of these Senators and all elected officials. We just pray Your hand of protection on each and every one of them. In their private lives and in their private moments, minister to them and give them wisdom. Give them the courage to do what You would have them to do.

Help this state, made up of people, to really be a righteous state in terms of human government. We ask You, Lord, to really protect.

We thank You for Your graciousness to us in sending Your Son, the Lord Jesus Christ, who died on that cross and shed his blood to wash away our sins, then three days later rose again physically from the grave and secured salvation for us—to anyone who believes. We ask You, Lord, that You would just really let this be the cornerstone of our lives.

We just thank You again, and we ask that You would really bless in Jesus' name. Amen.

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

Motions and Communications

Senator Leland entered the Senate Chamber.

Senator Schauer moved that Senators Clark-Coleman and Olshove 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.

Senator Hammerstrom moved that the Committee on Economic Development, Small Business and Regulatory Reform be discharged from further consideration of the following bill:

Senate Bill No. 780, entitled

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

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

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

The motion prevailed.

Senator Bernero entered the Senate Chamber.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

October 7, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:10 a.m. this date, administrative rule (03-10-01) for the Department of Community Health, Policy and Legal Affairs Administration, entitled "*Phenylketuria Test on Newborn Infants*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 21:
House Bill Nos. 4938 5027 5156

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

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

Senators Garcia, Olshove and Clark-Coleman entered the Senate Chamber.

The following bill was read a third time:

House Bill No. 4211, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2000 PA 210.

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. 490

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: Birkholz

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

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 482
Senate Bill No. 761
House Bill No. 4386
Senate Bill No. 777
Senate Bill No. 648
Senate Bill No. 649
Senate Bill No. 650
Senate Bill No. 651
Senate Bill No. 652
Senate Bill No. 698

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 482, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1274a (MCL 380.1274a), as amended by 1990 PA 227.

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. 491

Yeas—36

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

Nays—1

Patterson

Excused—0

Not Voting—1

Emerson

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 761, entitled

A bill to amend 1937 PA 306, entitled "An act to promote the safety, welfare, and educational interests of the people of the state of Michigan by regulating the construction, reconstruction, and remodeling of certain public or private school buildings or additions to such buildings, by regulating the construction, reconstruction, and remodeling of buildings leased or acquired for school purposes, and to define the class of buildings affected by this act; to prescribe

the powers and duties of certain state agencies and officials; to prescribe penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 1 (MCL 388.851), as amended by 2002 PA 628.

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. 492

Yeas—32

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

Nays—6

Cassis	Emerson	Johnson	Patterson
Cherry	Garcia		

Excused—0

Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4386, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

The question being on the passage of the bill,

Senator Patterson offered the following amendment:

1. Amend page 18, following line 8, by inserting:

“Sec. 303. From the amounts appropriated in part 1, no money shall be used for the expansion of either the Scott correctional facility or the western Wayne correctional facility.”

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 493**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: Birkholz

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

The following bill was read a third time:

Senate Bill No. 777, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 3, following line 28, by inserting:

“Enacting section 1. This amendatory act takes effect January 31, 2004.” and renumbering the remaining enacting section.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 494**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: Birkholz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 648, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” (MCL 125.401 to 125.543) by adding section 85a.

The question being on the passage of the bill,

Senator Cropsey offered the following amendments:

1. Amend page 1, line 6, after “**contamination**” by inserting “**and inform the department of environmental quality of the suspected contamination for future inspection**”.

2. Amend page 1, line 7, after “**notification**” by striking out the balance of the sentence and inserting “**or as soon thereafter as practically possible, a team shall be formed by representatives from the department of environmental quality, the enforcing agency, and any other agencies necessary for undertaking an inspection under this section and other applicable acts, and shall inspect the premises for contamination.**”.

3. Amend page 2, line 1, after “**If**” by striking out “**an inspector, or a team of inspectors,**” and inserting “**the team of inspectors**”.

4. Amend page 2, line 4, after “**others,**” by striking out the balance of the line through “**official**” on line 5 and inserting “**the team shall inform the enforcing agency of its determination. Upon notice of the inspection team’s determination, the enforcing agency**”.

5. Amend page 2, line 12, after “**health**” by inserting “**and department of environmental quality**”.

The amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 495

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: Birkholz

The Senate agreed to the title of the bill.

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

The following bill was read a third time:

Senate Bill No. 649, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7401c (MCL 333.7401c), as added by 2000 PA 314.

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. 496

Yeas—37

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

Nays—1

Emerson

Excused—0

Not Voting—0

In The Chair: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 650, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as added by 1994 PA 38.

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. 497

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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 651, entitled

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

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. 498

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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 652, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 367d. 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. 499

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: Sanborn

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 698, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2002 PA 711.

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. 500

Yeas—37

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

Nays—1

Emerson

Excused—0

Not Voting—0

In The Chair: Sanborn

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 Assistant President pro tempore, Senator Sanborn, designated Senator Hardiman as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Sanborn, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

Senate Bill No. 667, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 2002 PA 596.

The bill 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. 687, entitled

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

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. 770, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 355a.

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:

House Bill No. 4311, entitled

A bill to provide insurance to farm produce producers against losses from the failure of grain dealers; to establish a farm produce insurance authority; to prescribe the powers and duties of the authority and its board; to establish a farm produce insurance fund; to provide for assessments on grain dealers; to prescribe certain powers and duties of certain state agencies and officers; to authorize the promulgation of rules; and to repeal acts and parts of acts.

Substitute (S-3).

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

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

Senate Resolution No. 141

The motion prevailed.

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

Senate Resolution No. 177

The resolution consent calendar was adopted.

Senator Schauer offered the following resolution:

Senate Resolution No. 177.

A resolution celebrating the Twentieth Anniversary of the founding of LifeCare Ambulance Service of Battle Creek.

Whereas, LifeCare Ambulance Service of Battle Creek was established on April 1, 1983, as a not-for-profit ambulance service and is celebrating twenty years of service to the community. Formed as Cereal City EMS to respond to the needs of local hospitals and the city of Battle Creek, the company was renamed LifeCare Ambulance Service as it developed into an emergency medical services system that now serves 200,000 people in six counties; and

Whereas, Recognized as one of the top emergency medical services in the state, LifeCare Ambulance Service has continually worked to make services more effective and efficient. LifeCare was the first ambulance company in the area to offer advanced life support service, saving countless lives. It also initiated early use of computer-aided dispatching and computerized driving monitors and developed practice EMS driving programs so that every aspect of the ambulance service is ready for an emergency situation; and

Whereas, LifeCare Ambulance Service has been instrumental in creating programs to handle all types of emergencies. It has organized paramedic bicycle teams to offer immediate assistance at major events. LifeCare's dispatch center has become a community call center that offers services such as access to 2-1-1 services and a nurse triage line to provide physicians' offices, hospitals, and other health centers; now, therefore, be it

Resolved by the Senate, That we honor LifeCare Ambulance Service and its employees as we join them in celebrating its Twentieth Anniversary. We thank them for the service they continue to provide to the community; and be it further

Resolved, That a copy of this resolution be transmitted to LifeCare Ambulance Service as a symbol of our gratitude.

Senators Brater, Clark-Coleman, Clarke, Goschka, Leland, Prusi, Scott, Switalski and Toy were named co-sponsors of the resolution.

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

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Leland's statement is as follows:

I rise today to respond to the report released this morning by the Beverage Container and Recycling Task Force. It is my understanding, from my quick review of their report, that they have come to the conclusion that expanding Michigan's bottle bill still requires more discussion. I have to tell you that although I am very disappointed by these findings, I'm not surprised. The task force spent six months and who knows how much money to duck the most important and widely supported initiative—expansion of the bottle bill.

Don't get me wrong. I wholeheartedly agree that increasing our recycling efforts is a worthy endeavor. In fact, many of my colleagues and I have worked hard over the years to improve our state's recycling initiatives. However, increasing recycling absent of a bottle bill expansion does nothing for urban communities like mine. Curbside and drop-off recycling programs are designed for residential suburban areas. As we learned when we first implemented the bottle bill in the late 1970s, refundable deposit programs work in every community. That's why Senator Switalski and I have introduced bills earlier this year to add more containers to the Michigan bottle deposit program.

Here's something I'm curious about. I'm wondering who the task force members talked to during their nine months around the state. It appears to me there's a large percentage of the state's population they neglected to talk to. That would be 70 percent of Michigan's residents who support the expansion of the bottle bill. I know that my constituents

support it. Come down to my district and you'll see why. The empty water, juice, and ice tea bottles that litter the streets, highways, and parks in our communities are a nuisance and an eyesore. These types of beverages now make up 20 percent of all beverage sales in the country. However, since used containers are currently not included in the bottle deposit program in Michigan, they are the ones strewn about our streets and our yards, taking up space in our landfills.

A little history lesson might be useful here. Michigan was the first industrial state to implement a bottle bill back in 1978. The reasons for the original legislation—to reduce litter, improve the environment, and conserve natural resources—are still important today. We should always be looking for opportunities to improve and respond to the changes in the beverage industry and our own consumption habits. The legislation did this in 1988 when it expanded the bottle bill to include wine coolers and canned cocktails.

It's time to make another change. If we truly want to increase recycling, expansion of the bottle bill is a prudent way to do so. In Michigan, over 95 percent of refundable containers are recycled. About 10 years after the bottle bill was originally implemented, the Department of Transportation reported that bottle and can litter was reduced 80 percent because people had a financial incentive to return them, instead of tossing them out the car window.

If we expand the bottle bill to include noncarbonated beverage containers, it is estimated that an additional 800 million containers will be added to the system. Not only will this clean up our streets and highways, it would help decrease our dependence on landfills. As of 2000, Americans still trashed more than 100 billion—that's billion with a "b"—beverage containers. The bottle bill was the most effective way to recycle bottles and cans and prevent litter.

As I mentioned earlier, we have a couple of bills ready to go over here if my colleagues from the task force want to get serious about recycling and do what a vast majority of our residents have said they want—expansion of the bottle bill.

Senator Sanborn's statement is as follows:

On October 15, the health plan industry lost one of its most respected and beloved leaders. In fact, Michigan State University has lost one of its greatest fans. Eugene Farnum, the executive director of the Michigan Association of Health Plans, passed away after a courageous battle with cancer.

Gene was actively involved with the health care planning industry in the 1980s during the early development of the Michigan Association of Health Plans as a trade association for the managed care industry. In those years, he worked tirelessly to forge partnerships and collaborations to ensure the health and viability of one of the most important sectors of health insurance, while simultaneously advocating for the quality of health care and access to care for all the citizens of Michigan.

Gene's career spanned 42 years. He earned his bachelor's degree from Michigan State University and his master's degree from Western Michigan University. Prior to becoming the Michigan Association of Health Plans executive director, Gene served for 15 years as president of a major multi-client government consulting firm in Lansing. He served for more than a dozen years as the director of the Michigan Senate Fiscal Agency. Gene's had the distinction of being one of the few legislative staff directors who had served both the Republican and Democratic majority in a policymaking position. He also served as the Secretary of the Michigan Senate, executive assistant to the Senate Minority Leader, and division director of the Michigan Department of Treasury in the investment/bonding area.

During his tenure, the Michigan Association of Health Plans Foundation was established in 1998 to support the education and outreach/prevention efforts for a variety of chronic diseases in an effort to mitigate the crushing burden of diseases such as diabetes, asthma, stroke, cancer, and obesity in the state of Michigan.

Gene Farnum never underestimated the obstacles and challenges in front of us to create the finest health care system possible. But he saw that it would take the combined efforts of everyone in the industry to create a shared vision of where health care should be and what roads need to be built to arrive at that destination. He stood in front of the ranks of this work, and his vision and compassion have lit a beacon for others to follow. I would hope that our thoughts and prayers would be with the family of Gene Farnum.

Senator Brown's statement is as follows:

I rise in response to a previous speaker's comments. First, let me say that I refuse to politicize the issue of recycling. What we're involved with is really too vast for that, and this issue goes way beyond politics. Just this morning we stood shoulder to shoulder with the Michigan United Conservation Clubs and other environmental groups in Michigan to look at what we can do collectively, constructively, effectively, and responsibly to advance recycling in the state of Michigan.

I would encourage the previous speaker to read the multi-page document again because I think he failed to do so. It does not call for more study of the bottle bill. That's not what it calls for. It doesn't even preclude expansion, but what it does do is address the need in Michigan to improve our statewide recycling, so that we're not at the bottom of the list of states but at the top. It puts forward a very comprehensive plan to do that. We are in the process now of drafting some 40 bills to begin to launch this comprehensive program. We start, just today, with a bill to set up the anchor of this comprehensive plan—the Recycling Advisory Committee. I encourage the good Senator to sign that legislation—to co-sponsor it.

In regards to Detroit, Detroit has a population of a million people, approximately. How many recycling programs are in Detroit? I think there's zero. We can do better, and we can do better through a comprehensive approach to this problem.

The beverage container law has served Michigan for nearly 27 years. It has some inherent flaws, and we're making some recommendations to improve that before we even begin to talk about expansion. We need to address some of those shortfalls. We're going to do that with this multi-bill package that will be before this chamber in the not-too-distant future. So I would encourage the previous speaker and all those who rush to judgment in having knee-jerk reactions to read it. Read it again. If they want to talk to me about it, I'd be happy to do that. We have a bipartisan, across-the-board variety of interest groups on board, certainly in the recycling community. We're not going to let any abstract best become the enemy of a concrete good.

Senator Hammerstrom's statement is as follows:

I would like to add to the comments that were made from the good Senator from the 11th District. I want to thank you very much, Senator Sanborn, for bringing before us the wonderful record that we all know Gene Farnum had. He will be missed. I think the one word I heard over and over again at his memorial service was the word "gentleman." Gene was, in fact, a gentleman and we will miss him.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Garcia, Birkholz, Brater, Bishop, Goschka, George, Hardiman, Stamas, McManus, Brown, Toy, Cropsey and Gilbert introduced

Senate Bill No. 786, entitled

A bill to establish security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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

Senators Hardiman, Garcia, Kuipers, Sikkema, Jelinek, Birkholz, Goschka, Brown, Johnson, Hammerstrom, Van Woerkom, Toy, George, Cassis, McManus, Patterson, Cropsey, Gilbert, Sanborn, Clark-Coleman, Clarke, Scott, Jacobs and Stamas introduced

Senate Bill No. 787, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280 (MCL 380.1280), as amended by 1997 PA 180.

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

House Bill No. 4938, entitled

A bill to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

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 Local, Urban and State Affairs.

House Bill No. 5027, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 82101, 82106, 82107, and 82109 (MCL 324.82101, 324.82106, 324.82107, and 324.82109), section 82101 as amended by 2003 PA 43, section 82106 as amended by 1998 PA 297, and sections 82107 and 82109 as added by 1995 PA 58.

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. 5156, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 36a.

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 Local, Urban and State Affairs.

Committee Reports

The Committee on Banking and Financial Institutions reported

House Bill No. 4907, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 602 (MCL 500.602), as amended by 1989 PA 35, and by adding section 603.

With the recommendation that the bill pass.

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

Michael Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Sanborn, Stamas, Leland and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5050, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 2002 PA 635.

With the recommendation that the bill pass.

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

Michael Bishop
Chairperson

To Report Out:

Yeas: Senators Bishop, Van Woerkom, Stamas, Leland, Olshove and Clark-Coleman

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, October 16, 2003, at 12:00 noon, Room 110, Farnum Building

Present: Senators Bishop (C), Van Woerkom, Sanborn, Stamas, Leland, Olshove and Clark-Coleman

The Committee on Transportation reported

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248e (MCL 257.248e), as added by 1993 PA 300.

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, Leland and Basham

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, October 21, 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 Families and Human Services submitted the following:

Meeting held on Thursday, October 16, 2003, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Sanborn, Jacobs and Clark-Coleman

Excused: Senator Hammerstrom

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

Agriculture and Natural Resources Department - Tuesday, October 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932, 373-1725)

Natural Resources Department - Thursday, November 6, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Education - Thursday, October 23, 2:00 p.m., Room 210, Farnum Building (373-6920)

Families and Human Services - Thursday, October 23, 8:30 a.m., Room 210, Farnum Building (373-1801)

Legislative Council - Thursday, October 23, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-0212)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 11:09 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, October 23, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate