

No. 11
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Thursday, February 5, 2004.

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—excused
Sikkema—present
Stamas—present
Switalski—present
Thomas—excused
Toy—present
Van Woerkom—present

Senator Mark Schauer of the 29th District offered the following invocation:

God, who we call by many names, thank You for the blessing of another day. Grant us the wisdom and courage to do what is right. Give us the patience and understanding to see the needs of all our constituents in our state. Bestow upon us the compassion and will to reach out to the least of these during their times of need.

Help us be builders of peace and destroyers of indifference. Bless our Governor and our President, and bless all of those in positions of power in our world, so that all may live in harmony.

In Your name we pray these things. Amen.

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

Motions and Communications

Senator Stamas entered the Senate Chamber.

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

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

The following communications were received:

Office of the Auditor General

February 3, 2004

Enclosed is a copy of the following audit report:

Performance audit of the Michigan Veterans Tuition Grant Program and the State Education Reimbursement Program, Department of Military and Veterans Affairs.

February 3, 2004

Enclosed is a copy of the following audit report:

Performance audit of Selected State Universities' Reporting of Enrollment and Other Higher Education Institution Data Inventory (HEIDA) Data.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, February 4:

House Bill Nos. 4443 5117 5118 5119 5126

The Secretary announced that the following official bills were printed on Wednesday, February 4, and are available at the legislative Web site:

Senate Bill Nos. 937 938 939 940 942 943 944 945 946 947 948 949
House Bill Nos. 5441 5442 5443 5444 5445 5446

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Brater 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 bill:

House Bill No. 4724, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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:
House Bill No. 4693, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1294. Substitute (S-1).

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

1. Amend page 5, following line 2, by inserting:

“(d) That the contract will not result in the diminution of wages, hours, or other terms and conditions of employment for employees or collective bargaining units of the school district.”.

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

During the Committee of the Whole, Senator Brown entered the Senate Chamber.

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

The motion prevailed.

Senator Stamas’ statement is as follows:

I ask my colleagues to join me in recognizing a friend and a staff person who, I’m sad to say, is leaving my employ. Kim Rierson has been in the Senate since 1992, when she first started her career in politics as a Page, while she was still at Michigan State University. She went on to work for then-Senator Vern Ehlers and then worked for the nonpartisan staff Office of the Secretary of the Senate. In January 1995, Kim went to work for then-Senator-elect Loren Bennett and worked through his terms in the state Senate. I have had the honor of having her work for me for the last year, and she has done a great job.

I am sad to say that Kim will be leaving, but pleased to say that she will be going to join the Secretary of the Senate. We will be able to visit with her and have her nearby and still doing a great job for all the Senators.

So I would just ask my fellow colleagues in the Senate to join me in thanking Kim for her hard work and wishing her the best of luck in her new venture.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 4693

House Bill No. 4724

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

The following bill was read a third time:

House Bill No. 4693, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1294.

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. 25

Yeas—23

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

Nays—13

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

Excused—2

Scott

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

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”

The Senate agreed to the full title.

Protest

Senator Clark-Coleman, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4693.

Senator Clark-Coleman’s statement is as follows:

I voted “no” on House Bill No. 4693, and I rise in objection to both of these “ed flex” bills. I believe the bills establish an unconstitutional delegation of legislative authority to the executive branch. The notion that this Legislature would abrogate its own power by allowing one individual to waive legal requirements is unbelievable to me.

If the law needs to be changed, then the case ought to be made to the Legislature. We do not allow any one individual, be it the Governor, any member of the Legislature, the Attorney General, or a judge on the bench, to waive the law. Why would we do it in this case?

While I fully support Superintendent Watkins and believe he is doing a good job with the department, Mr. Watkins will not be there forever.

I urge my colleagues to oppose, not only this one, but also House Bill No. 4724.

The following bill was read a third time:

House Bill No. 4724, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 9.

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. 26**Yeas—21**

Allen
Birkholz
Bishop

Garcia
George
Gilbert

Hardiman
Jelinek
Kuipers

Sanborn
Sikkema
Stamas

Brown
Cassis
Cropsey

Goschka
Hammerstrom

McManus
Patterson

Toy
Van Woerkom

Nays—15

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Johnson
Leland
Olshove

Prusi
Schauer
Switalski

Excused—2

Scott

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

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

“An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

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

Senate Resolution No. 212

The resolution consent calendar was adopted.

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

Senate Resolution No. 212.

A resolution to recognize February 6, 2004, as Ronald Reagan Day in the state of Michigan.

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; the second of which he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the General Election—a record unsurpassed in the history of American presidential elections; and

Whereas, In 1981, when Ronald Reagan was inaugurated as President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to meet 21st century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, On February 6, 2004, Ronald Reagan will have reached the age of ninety-three years; now, therefore, be it Resolved by the Senate, That we hereby recognize February 6, 2004 A.D., and subsequent yearly anniversaries thereafter as Ronald Reagan Day; and be it further

Resolved, That copies of this resolution be transmitted to the Ronald Reagan Legacy Project, the Reagan Ranch, and the Ronald W. Reagan Presidential Library & Museum as evidence of our highest tribute and our best wishes for the years ahead.

Senators Kuipers, Gilbert and Goschka offered the following resolution:

Senate Resolution No. 211.

A resolution to recognize and commend railroads and the United Transportation Union operating in the state of Michigan for improving their safety and efficiency by taking advantage of the innovative technology used for remote-controlled locomotives.

Whereas, A safe and efficient railroad system is vital for retaining and securing new businesses and industries in Michigan and for future economic development; and

Whereas, Innovations that enhance the safety of railroad operations in Michigan benefit both the general public, railroad employees, and businesses that are dependent on efficient rail service; and

Whereas, Innovations that improve the efficiency of railroads in Michigan help hold down freight rates and thereby enhance the competitive position of businesses and industries in the state that rely on railroads to transport both raw materials and finished products; and

Whereas, The two major railroads in Canada have been using remote-controlled locomotives for over a decade resulting in dramatic reductions in their accident rates and in their operating costs; and

Whereas, The remote control technology encompasses numerous safety features to prevent accidents; and

Whereas, The remote control technology enables the specially-trained yard terminal railroad employees on the ground to move cars around as needed without depending on relaying of movement instructions by hand/radio systems to someone in the locomotive cab and without risking a miscommunication with possibly devastating results; and

Whereas, The Federal Railroad Administration (FRA) has issued guidelines and is closely monitoring operation of remote-controlled locomotives on railroads in the United States; and

Whereas, In addition to these guidelines, current FRA regulations govern the training of remote control operators and inspections of these devices; and

Whereas, Railroads have begun to utilize remote-controlled locomotives for switching operations in various terminals in Michigan and other states; now, therefore, be it

Resolved by the Senate, That the railroads of Michigan and their largest organized labor organization, the United Transportation Union, are hereby recognized and commended for their efforts to improve their safety and efficiency by embracing the innovative technology which makes it possible to safely perform yard switching operations with remote-controlled locomotives; and be it further

Resolved, That a copy of this resolution be transmitted to the United States Department of Transportation - Federal Railroad Administration and the Michigan Department of Transportation.

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 Transportation.

The motion prevailed.

Senators Birkholz, Cropsey, Prusi, Switalski and Van Woerkom were named co-sponsors of the resolution.

House Concurrent Resolution No. 44.

A concurrent resolution to memorialize the Congress of the United States to affirm support of state-empowered individual property rights and to urge the Congress and the Secretary of the Interior to take certain actions related to the Stupak-Thrall Court case originating in Gogebic County.

Whereas, Despite the principles of federalism, there continue to be cases of increased overreaching by the federal government, which threatens the rights of both the states and their citizens. The case of *Stupak-Thrall, et al. v. United States Forest Service* provides a clear example of federal disregard for such rights; and

Whereas, In 1966, under the threat of condemnation by the United States Forest Service (USFS), the owners of the area called Sylvania (most of which surrounds Crooked Lake in Gogebic County in Michigan's Upper Peninsula), agreed to sell their property to the USFS. The sale of this property deeded government lots (only the upland, excluding the inland lake water areas), and 14,890 acres (not the 18,327 acres as reported to Congress by the USFS). The sale of this property also included an encumbrance recognizing the rights of adjacent waterfront property owners. Pursuant to Michigan law, both the USFS and remaining property owners on the north shore of Crooked Lake hold equal rights to the use of the entire surface of Crooked Lake; and

Whereas, In 1987, Congress passed the Michigan Wilderness Act (MWA), which designated Forest Service land in the Ottawa National Forest, called Sylvania, as "wilderness." Congress declared the wilderness designation to be "subject to valid existing rights," thus preserving Michigan's sovereignty and laws, which grant all riparian owners along inland lakes rights in common to use the entire surface of the lake in accordance with established state law. Furthermore, the Ottawa National Forest Plan identifies wilderness management and clarifies that "management applies only to federal land not to state, county, private or other ownership"; and

Whereas, In 1992, despite congressional legislative language that only federal areas could be designated wilderness (the inland lake waters inside Sylvania wilderness remain in Michigan's public trust) and that valid existing property rights granted by state law would be respected, the Forest Service promulgated regulations to govern the surface use of Crooked Lake. Among other things, the regulations banned the use of sailboats on all of the lake except the small bay upon which private landowners reside. This effectively created a "fencing action" defining federal v. private authority, an action not allowed by Michigan state law. The USFS is thus regulating a state-owned area without the knowledge or participation of Michigan officials; and

Whereas, The United States District Court found for the USFS, and the Sixth Circuit Court of Appeals, in a 7-7 en-banc decision, stated: "Rights of the riparian owner are also subject to federal regulation under the property clause of the United States Constitution," 843F.Supp.327 (W.D. Mich. 1994). *Stupak-Thrall, et al.* appealed to the United States Supreme Court; and

Whereas, Given the importance of the issues and the impact on state's rights, Governor John Engler filed an amicus brief. Four other state Attorneys General, from Colorado, California, Alaska, and South Dakota, also filed amicus briefs as they too saw a precedent for the federal government usurping state sovereignty. Ultimately, the United States Supreme Court denied the petition for a writ of certiorari, leaving intact the decision of the District Court, which leaves the door open for future cases of creeping federalism; and

Whereas, In 1995, the USFS issued additional wilderness regulations for the surface use of Crooked Lake (again, without notice to or participation by Michigan officials) and attempted to prohibit motorboat use on 97% of the lake surface. The court ruled in favor of recognizing valid existing property rights, a ruling that is currently waiting court dates because the USFS is appealing; and

Whereas, The USFS claims that, contrary to Michigan law and provisions of the MWA, the surface of 97.1% of Crooked Lake is in fact owned and controlled by the USFS, and, contrary to Michigan law, no other riparian owners may use "their" portion of the lake without complying with USFS rules, which include obtaining a federal USFS permit to do so; and

Whereas, The USFS makes this claim only after manipulating section lines and ignoring found and marked meandered corners of the original Government Land Office (GLO) survey, which is in violation of all federal and state-established survey laws. This attempt, if allowed to stand, undermines the integrity of examined and approved GLO original plat drawings upon which all Michigan sovereignty, property ownership, and ownership rights are dependent; and

Whereas, To ensure Michigan its sovereign powers and its citizens and landowners their valid existing property rights, steps must be taken by the state of Michigan and Congress to guarantee that the USFS respects the sovereign state of Michigan, its laws, and the intent of Congress expressed in the MWA. While the USFS may regulate its own property in a manner consistent with ownership and the intent of Congress, the federal government must not be allowed to interfere with the legislative and judicial rights of the private individual and must maintain the sovereign powers of the state of Michigan, which holds in "public trust" all inland lake water for the people of Michigan; and

Whereas, It is vitally important that the sovereignty of the state of Michigan and its property, survey, and water laws prevail; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to affirm support of state-empowered individual property rights and to amend the Michigan Wilderness Act to

protect the rights of property owners in conflicts with the United States Forest Service. We also urge Congress to address the specific issues of the Stupak-Thrall case in the House Committee on Resources' Subcommittee on Forests and Forest Health and to clarify that it is not the intention of the United States Congress to allow a federal agency, such as the United States Forest Service, to redraw or alter in any way original Government Land Office surveys when such actions interfere with established state surveys, private property, and associated rights; and be it further

Resolved, That we call upon the Secretary of the Interior, who has the authority to address issues related to federal surveys and their accuracy, to retrace the GLO Survey of the Sylvania Wilderness, specifically along the section line of T45N and R40W, Section 34, along the southeast line, paying special attention to the survey's treatment of the Crooked Lake location. We urge the Secretary of the Interior to ensure that no illegal fence or boundary are created; 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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Cropsey, Goschka, Prusi and Switalski were named co-sponsors of the concurrent resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Schauer's statement is as follows:

Colleagues, today is a sad day for the Democratic Caucus as well, since this is the last day for our Caucus Press Secretary Erik Mueller.

Erik has served as our press secretary for the past year. Prior to joining us, Erik worked in several public service relations positions, including Kolt & Serkaian Communications, a firm in the Metro Detroit Area, and for former Governor Jim Blanchard. Somewhere in the midst of all that work, Erik also managed to earn his master's degree from Northwestern University, and he has a bachelor's degree from Central Michigan University, if I remember correctly.

Erik is leaving our staff to join Weber Shandwick, a public relations firm in Chicago. His move to Chicago not only provides Erik with an exciting professional opportunity, but a personal opportunity as well. Rumor has it that he will be getting married some time in the not-to-distant future.

I know my colleagues join me in wishing Erik the best of luck in his future endeavors. He has been truly a class individual, tremendously hard working, and a real joy to have as a part of our team. Erik, we will miss you very much.

Senator Jacobs' statement is as follows:

I know that our caucuses have made a commitment to stay healthier, and along those lines, I would like to let everybody know that February is American Heart Month. I would like all of us to encourage our constituents to take care of their hearts and "Go Red For Women"; that going red for women is a call to action for women to take charge of their heart health.

Some facts I would like folks to know about is that heart disease and stroke is the No. 1 and No. 3 killers of American women over the age of 25. Heart disease and stroke claim more women's lives each year than the next seven causes of death combined, and nearly twice as many as all forms of cancer, including breast cancer. One in twenty-nine women die of breast cancer, and about 1 in 2—half—women die of heart disease and stroke and other cardiovascular diseases. Black and Hispanic women have higher risk factors than white women of comparable social economic status.

So these facts are important as we tell our constituents to take care of themselves. Tomorrow, Friday, February 6, is National Wear Red Day for Women, and the American Heart Association is encouraging everyone to wear red clothing on that day to show support of all women who have been touched by heart disease or stroke. We can let our constituents get a red dress pin and get some information about this by calling a toll free number: 1-888-My-Heart. So I hope that all of us will pass on this important life-saving information to their constituents.

Senator Brown's statement is as follows:

On February 8, 1818, in a log cabin in Caroline, New York, a child was born to George and Rhoda Blair. They gave their son the name Austin. He helped work the family farm until the age of 17, when he left to attend Cazenovia Seminary and later graduate from Union College. He went on to study law in Owego, New York, and then moved West, as so many New Yorkers did, to settle in the new state of Michigan. He would be remembered by us today as a Governor of note, even if he accomplished very little. But his great distinction was that he served during a time of great national trial. He served as Michigan's Civil War Governor.

But he did accomplish much. He stood under the oaks at Morgan's 40 on July 6, 1854, and helped put in motion a national party that would in six short years nominate and elect a President who now belongs to the ages.

Under Governor Blair's leadership, Michigan's response to the Civil War was as great as any state in the Union, with 88,111 men responding to the call of duty and to the defense of freedom.

Under Blair's stewardship in Michigan as President of the Senate, several laws protecting freedom were enacted, including the Personal Liberty Law, enacted in response to the Fugitive Slave Act. Under the Personal Liberty Law, county jails in Michigan could not be used to imprison escaped slaves, and officers of the court were bound to defend any who were brought forward by bounty hunters.

Following his term as Governor, Austin Blair served three terms in the U.S. Congress until he returned to Jackson County to practice law as a private citizen.

It is appropriate that his picture hangs facing us to challenge us to be the best we can be in this great work of government, serving the people of this state in the 21st century. I, for one, am grateful that this man was born and that his knowledge and wisdom, courage, and sacrifice graced this assembly so many years ago, the memory and consequence of which still lingers today.

As we face many trials during these difficult times, I would like to quote Governor Blair from a speech given to the Legislature in January of 1861, prior to President Lincoln's inauguration that spring and Michigan's entry into the Civil War. Governor Blair's words remind us all that no matter our differences of opinion, no matter the distinctions of our beliefs, what binds us together is a duty to defend freedom and the fellowship that we share as Americans. Here are the Governor's words spoken 143 years ago:

"While we are citizens of the State of Michigan, and as such deeply devoted to her interests and honor, we have a still prouder title. We are also citizens of the United States of America. By this title we are known among the nations of the earth. In remote quarters of the globe, where the names of the states are unknown, the flag of the great Republic, the banner of the stars and stripes, honor and protect her citizens.

In whatever concerns the honor, the prosperity and the perpetuity of this great Government, we are deeply interested. The people of Michigan are loyal to that Government—faithful to its constitution and its laws. Under it they have had peace and prosperity; and under it they mean to abide to the end.

Feeling a just pride in the glorious history of the past, they will not renounce the equally glorious hopes of the future. But they will rally around the standards of the Nation and defend its integrity and its constitution, with fidelity.

I recommend you at an early day to make manifest to the gentlemen who represent this state in the two Houses of Congress, and to the country, that Michigan is loyal to the Union, the Constitution, and the laws and will defend them to the uttermost; and to proffer to the President of the United States, the whole military power of the State for that purpose.

Oh, for the firm, steady hand of a Washington, or a Jackson, to guide the ship of State in this perilous storm! Let us hope we will find him on the 4th of March."

And indeed they did. He went on to say: "Meantime, let us abide in the faith of our fathers—Liberty and Union, one and inseparable, now and forever."

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators McManus, Cropsey, Birkholz, Kuipers, Allen, Hardiman, Goschka, Garcia, Bishop and Van Woerkom introduced

Senate Bill No. 959, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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

Senators Barcia, Hardiman, Cropsey, Kuipers, Allen, Garcia, Birkholz, Goschka, Bishop and McManus introduced **Senate Bill No. 960, entitled**

A bill to amend 1846 RS 84, entitled "Of divorce," (MCL 552.1 to 552.45) by adding sections 5 and 5a.

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

Senators Cropsey, Goschka, Kuipers, Garcia, Birkholz, Hardiman, Allen, McManus and Bishop introduced
Senate Bill No. 961, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

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

Senators Hardiman, Cropsey, Jelinek, Garcia, Birkholz, Kuipers, Goschka, Brown and McManus introduced
Senate Bill No. 963, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending sections 3 and 4 (MCL 551.103 and 551.104), section 3 as amended by 1984 PA 346.

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

Senators Sanborn, Cropsey, Garcia, Birkholz, Kuipers, Allen, Hardiman, Bishop, McManus and Goschka introduced
Senate Bill No. 964, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270, and by adding sections 2a and 2b.

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

Senators Garcia, Cropsey, Kuipers, Hardiman, Goschka and Birkholz introduced
Senate Bill No. 965, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 45 (MCL 552.45).

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

Senators Kuipers, Cropsey, Garcia, Allen, Barcia, Goschka, Patterson, McManus, Hardiman, Bishop and Birkholz introduced

Senate Bill No. 966, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending the title and sections 1, 2, 3, 4, 5, 6, 6a, 7, 7a, 7b, and 11 (MCL 722.21, 722.22, 722.23, 722.24, 722.25, 722.26, 722.26a, 722.27, 722.27a, 722.27b, and 722.31), the title and sections 7a and 7b as amended by 1996 PA 19, section 2 as amended by 2002 PA 9, sections 3, 5, and 6 as amended by 1993 PA 259, section 4 as amended by 1998 PA 482, section 7 as amended by 2001 PA 108, section 6a as added by 1980 PA 434, and section 11 as added by 2000 PA 422, and by adding sections 12, 13, 14, 15, 16, 17, 18, and 19.

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

Senator Thomas introduced

Senate Bill No. 967, entitled

A bill to require the department of labor and economic growth to establish a jobs information service for urban residents and suburban employers.

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

House Bill No. 4443, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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 Finance.

House Bill No. 5117, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5118, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; 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 Families and Human Services.

House Bill No. 5119, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k.

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

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

House Bill No. 5126, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.

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 Finance.

Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

Senate Bill No. 703, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80205 (MCL 324.80205), as added by 2000 PA 229.

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

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

Patricia L. Birkholz
Chairperson

To Report Out:

Yeas: Senators Birkholz, Patterson, Van Woerkom and Brater

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, February 3, 2004, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Patterson, Van Woerkom, Brater and Basham

The Committee on Families and Human Services reported

House Bill No. 5183, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18e.

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

1. Amend page 1, line 6, after "**developing**" by striking out the balance of the line through "**within**" on line 7 and inserting "**and annually reviewing**".

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

Bill Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 754, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 111k. With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Bill Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, February 3, 2004, at 3:00 p.m., Room 210, Farnum Building

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

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 5009, entitled

A bill to amend 1953 PA 192, entitled "An act to create a county department of veterans' affairs in certain counties, and to prescribe its powers and duties; and to transfer the powers and duties of the soldiers' relief commission in such counties," by amending section 1 (MCL 35.621), as amended by 1996 PA 108.

With the recommendation that the bill pass.

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

Laura M. Toy

Chairperson

To Report Out:

Yeas: Senators Toy, Stamas, Gilbert, Clark-Coleman and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:

Meeting held on Wednesday, February 4, 2004, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Toy (C), Stamas, Gilbert, Clark-Coleman and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on State Police and Military Affairs submitted the following:

Meeting held on Tuesday, February 3, 2004, at 2:00 p.m., Room 405, Capitol Building

Present: Senators Brown (C), Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Administrative Rules submitted the following:

Meeting held on Wednesday, February 4, 2004, at 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Bishop (C), Jelinek, Kuipers and Thomas

Excused: Senator Barcia

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, February 4, 2004, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Jelinek (C), Brown, Switalski and Scott

Excused: Senator Cropsey

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

Judiciary and Corrections - Tuesdays, February 17, February 24, March 2, March 9, and March 16, 3:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

K-12, School Aid, Education and House School Aid and Department of Education - Tuesday, February 10, 4:00 p.m., State Board of Education Room, 4th Floor, Hannah Building (373-6960)

Natural Resources Department - Tuesday, February 10, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

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

Commerce and Labor - Tuesday, February 10, 3:00 p.m., Room 100, Farnum Building (373-2413)

Government Operations - Tuesday, February 10, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-0797)

Judiciary - Tuesday, February 10, 1:00 p.m., Room 210, Farnum Building (373-3760)

Technology and Energy - Wednesday, February 11, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:43 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, February 10, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

