

No. 3
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, January 24, 2002.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

The roll was called by the Secretary of the Senate, who announced that a quorum was not present.

Bennett—excused
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—excused
Emerson—present
Emmons—present
Garcia—excused
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present
Peters—excused

Sanborn—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

Dear Lord, look down upon us this morning. Empower each of us with wisdom, patience, and courage to do what is right for the people of this great state. May we demonstrate kindness and compassion in our deliberations and actions as well as respect for one another.

Look also with favor upon our congressional colleagues as they reconvene this week, and provide our President with strength and courage as he continues to lead our nation in these difficult times.

And, as we leave here today, Lord, provide all of us safe travel as we return to our homes and loved ones.

In Thy name we pray. Amen.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:04 a.m.

10:23 a.m.

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

During the recess, Senators Schwarz, Koivisto, Young, Schuette, Murphy, DeBeaussaert, Byrum, Scott, Cherry, Smith, Leland, Hart, Emerson and Miller entered the Senate Chamber.

A quorum of the Senate was present.

Motions and Communications

Senator Emmons moved that Senators Garcia and Bennett be excused from today's session.

The motion prevailed.

Senator Emerson moved that Senator Peters be excused from today's session.

The motion prevailed.

Senator Peters is on active duty with the U.S. Navy overseas.

Messages from the House

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

Senate Bill No. 505

The motion prevailed.

Senate Bill No. 430, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing section 75106 (MCL 324.75106).

The House of Representatives has passed the bill and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 471, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 1996 PA 210.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senate Bill No. 615, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 68.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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 full title.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 155**Senate Resolution No. 156**

The resolution consent calendar was adopted.

Senator Shugars offered the following resolution:

Senate Resolution No. 155.

A resolution honoring the Schoolcraft High School Eagles Football Team, Michigan High School Athletic Association Division 6 State Champions.

"The spirit, the will to win, and the will to
excel—these are the things that endure."

— Vince Lombardi

Whereas, It is a distinct pleasure for the Michigan Senate to join with the families, staff, and students of Schoolcraft Community Schools in celebrating the achievements of the 2001 Schoolcraft High School Football Team on its great success this season. In an impressive display of team defense, the Eagles earned the title of Michigan High School Athletic Association Division 6 State Football Champions by defeating a formidable opponent from McBain High School 26-8 at the Pontiac Silverdome on November 23, 2001—to cap an undefeated season; and

Whereas, This win represents the culmination of an outstanding season, enhancing Schoolcraft's runner-up finish in 2000, and is the third state football championship for the Eagles and Coach Larry Ledlow. This team occupies a special niche in the rich tradition of Schoolcraft High School football; and

Whereas, All championship teams demonstrate their character over a long season as well as the playoffs. The Schoolcraft High School Football Team faced stern tests against Centreville and Division 6 Champion Mendon, but won the St. Joseph Valley League. In the playoffs, Schoolcraft faced teams with potent offenses, yet prevailed. They defeated Hudson 21-12 to earn a spot in the state championship game. Their talent, teamwork, and determination have earned the respect of fans at home and across the state; and

Whereas, We admire the efforts, team spirit, and dedication of these talented young people who are proud to be Schoolcraft Eagles:

Captains

Joe Maurer

Patrick McCullough

Rory McGoff

Mark Rasmussen

Team Members

Ross Bell

Matt Charles

Devin Clemence

Chris Coney

Dan Cook

Ross Daley

Keith Douglas

Scott Everts

Steve Glascock

Robert Gray

Justin Hibbs

Nathan Holing

Cody Hopkins

Jared Knee

Eric King

Brandon McMillan

Lee McNally
Todd O'Donnell
David Roach
Corey Smith
Scott Spears
Andy Werkema

Mike Melching
Ryan Olivares
Brennan Schoenfeld
Gene Smith
Jim Stuut
Chris Werme

Colt Munson
Shannon Oswalt
Justin Shaw
Jason Smith
Kyle Tremblay
Danny Wrogg

Steven Norr
Rich Peters
Chad Schwabauer
Scott Smith
Terry Young

; and

Whereas, The Schoolcraft Eagles have also had outstanding guidance and leadership throughout this season. Therefore, we recognize Head Coach Larry Ledlow and his coaching staff: Terry Haas, Larry Hoskins, Brad King, Aaron Ledlow, Ted Manning, and Shaun Sportel. We also recognize the team managers: Bruce Benthin, Andrew Charles, and Dillon Smith; and trainer Ben Medlin; now, therefore, be it

Resolved by the Senate, That we extend our congratulations to the 2001 Schoolcraft High School Eagles Football Team, Michigan High School Athletic Association Division 6 State Champions, and the Schoolcraft Community Schools; and be it further

Resolved, That a copy of this resolution be transmitted to Head Coach Larry Ledlow, the Schoolcraft High School Football Team, Principal John Kolassa, and Superintendent William Haug as a token of our esteem and congratulations.

Senators DeGrow, Emmons, Van Regenmorter, Hammerstrom, Stille, Steil, Goschka, Gast, Johnson, Sanborn, Shugars, Gougeon, McManus, North, Hoffman, Bullard, McCotter, Schuette, Schwarz and Sikkema offered the following resolution:

Senate Resolution No. 156.

A resolution to commemorate February 6, 2002, 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, labor union leader, corporate spokesman, governor of the state 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. During the second term, 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, His 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 dedication 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 win the Gulf War; and

Whereas, Mr. 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, 2002, Ronald Reagan will have reached the age of ninety years, thus becoming the oldest living former President; now, therefore, be it

Resolved by the Senate, That this legislative body assembled in the state of Michigan hereby commemorates February 6, 2002, as Ronald Reagan Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Ronald Reagan Legacy Project as a reflection of our esteem for the many contributions of President Ronald Reagan.

House Concurrent Resolution No. 53.

A concurrent resolution to express opposition to plans by the Riverview Trenton Railroad Company to develop certain riverfront lands in the cities of Riverview and Trenton for the purposes of a rail, truck, and vessel-served intermodal transportation facility.

Whereas, The Riverview Trenton Railroad Company proposes to construct an intermodal transportation facility along the banks of the Detroit River in the cities of Riverview and Trenton, Michigan. The facility would be designed and operated to permit the handling of truck trailers and containers transferred between trucks, railroad flat cars, and ships or barges. The operation of such a facility would result in increased truck, rail, and ship traffic in the general vicinity; and

Whereas, The proposed Riverview Trenton Railroad Company intermodal facility will require new rail construction to permit the facility to become operational; and

Whereas, The construction and subsequent operation of the facility threaten to have significant adverse impacts on the region and the Detroit River; and

Whereas, Added waterborne traffic that would be generated by the proposed project, which includes access to deep water ports, would require additional bridge openings on the Detroit River, isolating approximately 14,000 people on the island of Grosse Ile and cutting it off from emergency services; and

Whereas, The added rail traffic that would be generated by the proposed project would cause significant blockages of important streets, isolating two hospitals and denying the public basic police and fire protection and emergency medical services; and

Whereas, The additional truck traffic that would be generated by the proposed project represents a significant reduction in the quality of life for thousands of citizens who will face lines of stalled traffic at railroad crossings and additional congestion as they go about their routine activities, such as entering and leaving their subdivisions and driveways; and

Whereas, The local road and rail infrastructure is inadequate to handle the additional truck and rail traffic that would be generated by the proposed project. The local communities would be forced to spend millions of dollars on road improvements and repairs, while realizing few, if any, economic benefits from the proposed project, either from added jobs or taxes; and

Whereas, The proposed project has not been adequately defined to permit a full assessment of its potential impacts; and

Whereas, The proposed project is inconsistent with the work of state and local communities along the Detroit River over many years to improve the appearance of the land along the banks of the river, preserve and restore the river and the land adjacent to it as important natural resources, and create recreational opportunities along the river's banks; and

Whereas, The proposed project would be inconsistent with the American and Canadian Heritage River Initiative and with the first International Wildlife Refuge in North America, located along the Detroit River, which was designated by President Bush on December 21, 2001; and

Whereas, Wayne County, the Downriver Community Conference, which by itself represents 18 communities with a total population of 450,000, the city of Riverview, the city of Trenton, the city of Wyandotte, and Grosse Ile Township have all unanimously passed resolutions and have taken many other actions in opposition to the Riverview Trenton Railroad Company's proposed project. They have done so because of concerns over the environmental impacts of the project and because the project is not consistent with local land use objectives, which include conversion of some or all of the property in question from industrial to nonindustrial or mixed use; and

Whereas, There are proceedings before the United States Surface Transportation Board on the merits of the Riverview Trenton Railroad Company's proposed project, its environmental impacts, and whether federal law should prevent the local communities from exercising their authority over local land use planning and zoning with respect to the proposed project; and

Whereas, It seems clear that the intermodal facility proposed by the Riverview Trenton Railroad Company poses significant threats to the public health, safety, and welfare; that it is contrary to local community interests to improve the conditions of the lands immediately adjacent to the Detroit River; and that it would place within these communities an industrial activity that may conflict with future land use plans; and

Whereas, Any need for an additional intermodal facility in the Detroit area could be better met at other locations, such as the Detroit Intermodal Terminal, in which the state already has a substantial investment; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we oppose the construction and operation of an intermodal facility at the proposed location in the cities of Riverview and Trenton, Michigan, and call upon the United States Surface Transportation Board to (1) revoke the class exemption that, according to the Riverview Trenton Railroad Company, allows it to operate as a railroad within the proposed facility and deny any other operating authority sought by the Riverview Trenton Railroad Company, (2) find that it lacks jurisdiction over the Riverview Trenton Railroad Company and its proposed operations, and (3) if it determines that it has jurisdiction over the project, then find that it is not consistent with the public interest; and be it further

Resolved, That copies of this resolution be transmitted to the communities of the Downriver area and to the United States Department of Transportation Surface Transportation Board.

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 Emmons 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 Emmons moved that the concurrent resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Dingell's statement is as follows:

I rise to call for hearings by both the Michigan Legislature and the U.S. Congress into a condition that exists in the district I represent.

In the north end of the town I live in, Trenton, is the remains of a former steel mill. It was the former McLouth Steel, and the McLouth Steel north yard extends into the city of Riverview. A little over a year ago, a development company purchased a portion of that—50 plus acres—and about the middle of last year, they suddenly announced that they were a railroad. What this has given them is a couple things: It has given them under federal law an exemption from any state land use regulation, and at the same time it would give them the power of eminent domain to force people around them to sell their land to this body that is now calling itself a railroad. Now there's less railroad track on this piece of land than there is at the Detroit Zoo. How someone can claim that this is a railroad is beyond me.

The actual railroads in that area, Canadian National and Grand Trunk Western, are opposing this attempt by this development company, Crown Development. They own the Ambassador Bridge and certain other large pieces of land or significant properties in the southeastern Michigan area. How they can do this is beyond me, and it's beyond the railroads. They are opposing this petition for exemption from local regulation. The matter is before the Surface Transportation Board in federal government. If a relatively small piece of land with one railroad spur on it justifies a landowner to get exemption from local land use controls and gives them the power of eminent domain, we can look forward to a lot of this kind of thing happening in Michigan as well as in every other state. I think that both state government and federal government need to take cognizance of this, and do something about it.

There is a meeting in the district I represent in Southgate tonight where this will be fully aired, and both lawyers and concerned citizens will be appearing. This condition is an outrage, and 1.5 miles worth of railroad track does not make a railroad.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:38 a.m.

10:46 a.m.

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

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Scott introduced

Senate Bill No. 1005, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21513 (MCL 333.21513), as amended by 1993 PA 79.

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

Senator Hart introduced

Senate Bill No. 1006, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 1996 PA 370.

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

Senator Cherry introduced

Senate Bill No. 1007, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 514.

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

Scheduled Meetings

Appropriations, Joint Senate/House - Thursday, February 7, 11:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Agriculture - Tuesday, January 29, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Higher Education - Tuesday, February 12, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Banking and Financial Institutions - Thursday, January 31, 9:00 a.m., Room 210, Farnum Building (373-2420)

Education - Wednesday, January 30, 3:00 p.m., Room 210, Farnum Building (373-7350)

Finance - Tuesday, January 29, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3760)

Health Policy - Tuesday, January 29, 3:00 p.m., Room 100, Farnum Building (373-0793)

Judiciary - Tuesday, January 29, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Senior Citizens and Veterans Affairs - Thursday, January 31, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:47 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, January 29, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.