

**No. 4**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

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Senate Chamber, Lansing, Thursday, January 23, 2003.

10:00 a.m.

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

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

Allen—present  
Barcia—present  
Basham—present  
Bernero—present  
Birkholz—present  
Bishop—present  
Brater—present  
Brown—present  
Cassis—present  
Cherry—present  
Clark-Coleman—present  
Clarke—present  
Cropsey—present

Emerson—present  
Garcia—excused  
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

Minister Alan Martin of Holmes Road Church of Christ of Lansing offered the following invocation:

Let the name of God be blessed forever and ever, for wisdom and power belongs to Him. It is He who changes the times and the epochs. He removes men from office and establishes men in office. He gives wisdom to wise men and knowledge to men of understanding. It is He who reveals the profound and hidden things. He knows the past, directs the present, and will orchestrate the future, for He is eternal.

To You, O God, we give thanks and praise and glory today, for You have given our forefathers wisdom in framing laws. You have given them understanding in shaping the future. You have given them power to endure the unthinkable. You have given them vision to reach the unreachable, and You have anointed their toils and sacrifices to bless all future generations with happiness, progress, equality, justice, and freedom.

And, yes, today, O Lord, I present each Senator, whom You have appointed to office, for Your holy anointing. Grant each a heart of integrity; grant each a heart of honesty; grant each a heart of unity; grant each a heart of utmost care for the people they serve; and, dear God, grant each a heart of accountability before You.

O Father, bless them, together with every Representative and the Governor of this state, to pass laws of justice, to extend hands of mercy, and to equip this state for righteousness before You. Bless their work in Your presence. May their voices, during this term, make an indelible mark on the future, and dear Lord, may their sacrifices serve as a healing stream and a blooming future to the state and peace of Michigan.

O Lord, hear us. Today, O Lord, answer us, and dear Lord, bless America. Amen.

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

### Motions and Communications

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

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

Senator Barcia entered the Senate Chamber.

The following communication was received:  
Office of the Auditor General

January 17, 2003

Enclosed is a copy of the following audit report:  
Follow-Up Review of the Child Development and Care Program, Family Independence Agency, January 2003.

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

The communication was referred to the Secretary for record.

### Introduction and Referral of Bills

Senator Jacobs introduced  
**Senate Bill No. 50, entitled**

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

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

Senator Jacobs introduced  
**Senate Bill No. 51, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 149. The bill was read a first and second time by title and referred to the Committee on Health Policy.

Senators Bernero, George, Garcia, Toy, Thomas, Leland, Hammerstrom, Johnson, Cherry, Brater, Goschka, Jacobs, Clark-Coleman, Basham, McManus, Cassis, Schauer, Stamas, Birkholz, Olshove, Switalski, Prusi, Van Woerkom, Emerson, Clarke, Jelinek, Allen and Hardiman introduced

**Senate Bill No. 52, entitled**

A bill to create the office of the legislative mental health ombudsman; to prescribe the powers and duties of the legislative mental health ombudsman, the legislative council, certain state departments and officers, and certain county and private agencies serving children; and to provide remedies from certain administrative acts.

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

Senator Kuipers introduced

**Senate Bill No. 53, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2401 and 2404 (MCL 339.2401 and 339.2404), section 2401 as amended by 1991 PA 166 and section 2404 as amended by 1988 PA 463.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senator Johnson introduced

**Senate Bill No. 54, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

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

Senator Johnson introduced

**Senate Bill No. 55, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a, 1539a, and 1539b (MCL 380.1535a, 380.1539a, and 380.1539b), as amended by 1995 PA 289, and by adding section 1230c.

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

Senators Bishop, Garcia, Allen, Goschka, Kuipers and Cropsey introduced

**Senate Bill No. 56, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

Senators Bishop, Kuipers, Garcia, Goschka, Cropsey, Toy, Birkholz, Allen and Brown introduced

**Senate Bill No. 57, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11526 and 11549 (MCL 324.11526 and 324.11549) and by adding sections 11526a and 11526b.

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

Senators Bishop, Kuipers, Cropsey, Leland, Toy, Brown, Hardiman and Birkholz introduced

**Senate Bill No. 58, entitled**

A bill to establish standards of ethical conduct for state elected public officials; to impose certain conditions on state elected public officials and enhance accountability; to require public disclosure by state elected public officials of certain transactions and to require the filing of a transactional disclosure statement; to establish an ethics board and prescribe its powers and duties; to establish a legislative ethics committee and prescribe its powers and duties; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

Senators George, Birkholz, Van Woerkom, Brown, Cherry, Allen, Jacobs, Bernero, McManus, Cropsy, Prusi and Schauer introduced

**Senate Bill No. 59, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 2862 and 2882a.

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

Senators Clark-Coleman, Jacobs, Brater, Schauer and Goschka introduced

**Senate Bill No. 60, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Clark-Coleman and Switalski introduced

**Senate Bill No. 61, entitled**

A bill to regulate check cashing businesses; to provide for licensing and fees; to prescribe the powers and duties of certain state agencies and officials; and to provide for penalties.

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

Senators Clark-Coleman, Brater, Jacobs, Cherry and Hardiman introduced

**Senate Bill No. 62, entitled**

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.

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

Senators Clark-Coleman, Schauer and Jacobs introduced

**Senate Bill No. 63, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 11a to chapter XIA.

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

Senators Clark-Coleman, Jacobs, Brater and Cherry introduced

**Senate Bill No. 64, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 18c, 55, and 115b (MCL 400.18c, 400.55, and 400.115b), sections 55 and 115b as amended by 1998 PA 516, and by adding section 18b.

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

### **Committee Reports**

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 21, 2003, at 1:00 p.m., Room 210, Farnum Building  
Present: Senators Cropsy (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

#### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, January 22, 2003, at 1:30 p.m., Room 210, Farnum Building  
Present: Senators Cassis (C), Garcia, McManus, Thomas and Brater

**Scheduled Meetings**

**Finance** - Wednesday, January 29, 1:00 p.m., Room 110, Farnum Building (373-1758)

**Government Operations** - Tuesday, January 28, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-0797)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:18 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, January 28, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

