

No. 34
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, April 3, 2003.

10:00 a.m.

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

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

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

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we come to You to offer You praise, for we know that You are the Lord of Lords and the King of Kings. We praise You because we know all things are in Your hands. We come to You this morning as Your humble servants. We come to You as servants who act on behalf of the people of the state of Michigan. We pray that You will give us wisdom and guidance and discernment on this day as we all strive to work together to make our state a better place, a place in which the people of our state can prosper. We know that we have to wrestle with many difficulties, and we pray that You will help us to resolve those difficulties within our state.

Lord, we know too that in Washington, D.C., they wrestle with some huge problems, and, Lord, we pray that You will continue to watch over and bless the leadership of our country and the decisions that they have to make. We pray that the war will end quickly and that things may be resolved over in the Middle East. We pray for our people who are in harm's way. We pray that they will be safe. We know that it's not safe, Lord, but we pray that You will keep them and help them in their efforts as they wage the battles that are going on right now. We pray, too, for people here who are involved in homeland security who are keeping us safe. We pray that You will help them to be diligent. We know that sometimes it's a boring job and sometimes it's easy to let down your guard because there's not much happening here, but we know that there is a risk of terror. We pray that You will help them as they protect us.

Lord, be near us all and bless us. Amen.

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

Motions and Communications

Senator Cassis entered the Senate Chamber.

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

The Secretary announced that the following House bill was received in the Senate and filed on Wednesday, April 2:
House Bill No. 4332

The Secretary announced the printing and placement in the members' files on Wednesday, April 2, of:

Senate Bill Nos.	353	354	355	356	357	358								
House Bill Nos.	4488	4489	4490	4491	4492	4493	4494	4495	4496	4497	4498	4499	4500	4501
	4502	4503	4504	4505	4506	4507	4508	4509	4510					

Messages from the Governor

Senator Garcia entered the Senate Chamber.

Senator Hammerstrom moved that consideration of the following bill be postponed for today:
Senate Bill No. 195
The motion prevailed.

Michigan Broadband Development Authority Board

James Walter Butler III, 1476 Stonegate Lane, East Lansing, MI 48823, county of Ingham, as member, to a term expiring at the pleasure of the Governor.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the said appointment to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 59

Yeas—37

Allen
Barcia

Clark-Coleman
Clarke

Hardiman
Jacobs

Sanborn
Schauer

Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry			

Nays—0

Excused—0

Not Voting—1

Prusi

In The Chair: President

Third Reading of Bills

The following bill was read a third time:

House Bill No. 4010, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2002 PA 280.

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. 60

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: President

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

The following bill was read a third time:

Senate Bill No. 157, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 375 (MCL 380.375), as added by 1999 PA 10.

The question being on the passage of the bill, Senators Leland and Clark-Coleman offered the following substitute: Substitute (S-2).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Schauer requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 61**Yeas—15**

Barcia	Cherry	Jacobs	Schauer
Basham	Clark-Coleman	Leland	Scott
Bernero	Clarke	Olshove	Thomas
Brater	Emerson	Prusi	

Nays—23

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

Excused—0**Not Voting—0**

In The Chair: President

The question being on the passage of the bill, Senator Hammerstrom moved that the previous question be ordered. The motion prevailed.

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. 62**Yeas—36**

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

Nays—1

Garcia

Excused—0**Not Voting—1**

Emerson

In The Chair: President

The Senate agreed to the title of the bill.

Senator Clarke moved that he be named co-sponsor of the bill.

The motion prevailed.

Protest

Senator Garcia, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 157.

Senator Garcia's statement is as follows:

I rise to indicate why I voted "no" to that bill. When I voted for that piece of legislation several years ago, I found it to be a very difficult and emotionally wrenching decision. But I voted for that legislation because I believed it was the right thing to do for the children of Detroit and in essence also for the people in the state of Michigan. I still believe that it was the right thing to do, although reasonable people can disagree. I believe that there's not been sufficient time given to let the results of that vote play out. And, again, people can disagree, but I just wanted to let the body know that is why I chose to vote "no" on that piece of legislation, not as a slap against the city of Detroit. It was truly my thought and concern for the children, and of course, we all want to do what is right for the children. We just sometimes disagree on how to get there.

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

The motion prevailed.

Senator Cherry's statement is as follows:

I just wanted to let the members know that I have honored the traditions of this house, and I have given you all a candle that was made in my district in Oakland County, the Davisburg Candle Factory, that I think is pretty special. In addition, there is cherry pie outside from the Jablonski Bakery in Burton, Michigan, and later on today, you will all receive a cherry pie of your own.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 51
Senate Resolution No. 53
Senate Resolution No. 54
Senate Resolution No. 55
Senate Resolution No. 56
Senate Resolution No. 58

The resolution consent calendar was adopted.

Senators Bernero, Birkholz, Leland, Prusi, Toy, Bishop, Thomas, Emerson, Cherry, Olshove, Cropsey, Brater, Goschka, Schauer and George offered the following resolution:

Senate Resolution No. 51.

A resolution honoring the Charter House on its 25th Anniversary.

Whereas, It is a privilege to acknowledge and celebrate that this year marks the 25th Anniversary of the Charter House, an organization comprised of professional men and women who are dedicated to helping adults with mental health issues. Through the years, Charter House has drawn great strength from the unselfishness of its staff members. This unselfishness is best symbolized in the commitment and activism exhibited by Pat St. George and Dr. Robert Davis, who helped develop and maintain this program. We salute Pat St. George, Dr. Robert Davis, and the staff members of this truly exemplary organization; and

Whereas, These good citizens have created several effective programs to serve others and have also assisted in a broad range of community efforts. Charter House has received national recognition for one of its supported employment programs, one of the first in the nation for people with mental health needs. This program has helped nearly one thousand people find and maintain community employment; and

Whereas, Once many of these people relied on Social Security disability, and now they are enjoying full-time employment, many of which include benefits, thanks to the help of these dedicated professionals. The Charter House, in partnership with Lansing Community College, also prepares people with mental health needs to return to college; and

Whereas, As the staff of this outstanding organization celebrate this milestone, they can take great pride in their effective twenty-five-year history of devoted community service. Clearly, the dependability and unwavering commitment the staff has displayed in their years of involvement with Charter House represent a priceless gift to the people of this community and the Charter House; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 25th Anniversary of the Charter House and commend Pat St. George, Dr. Robert Davis, and the staff for their meritorious contributions to the community and to our great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Pat St. George, Dr. Robert Davis, and the staff of Charter House.

Senators Jacobs, Barcia, Switalski and Clark-Coleman were named co-sponsors of the resolution.

Senators Van Woerkom, Jelinek, Goschka, Cropsey, Schauer, Kuipers, Stamas, Sanborn, Bishop, Olshove, Clark-Coleman and Leland offered the following resolution:

Senate Resolution No. 53.

A resolution commemorating April 13-19, 2003, as Michigan Credit Union Youth Week.

Whereas, Michigan's youth face a difficult task in attaining economic prosperity, and in particular, those who have never learned how to plan for their financial security. Surveys and test scores across our nation confirm that children are not learning how to avoid the mistakes of spending too much and saving too little. There is a crisis in financial education in our country and a need for leadership in combating it; and

Whereas, A large number of Michigan high school students will graduate with few of the personal finance skills necessary for financial health. The weakest areas of knowledge typically lie in saving money and investing it. Conversely, the purchasing power of our nation's youth up to age 19 is \$150 billion annually. Barriers to youth spending are tumbling, and with them, protections that prevent our young people from entrapping themselves in financial difficulty; and

Whereas, Michigan credit unions strive to bring a financial literacy curriculum to our classrooms, and encourage its adoption in our schools. As part of this effort, credit unions are active in actual classroom work, opening student-run branches, and promoting activities that teach savings and sound financial practices to our young people. Nationally, credit unions actively pursue the same goals, highlighted by National Credit Union Youth Week in April; now, therefore, be it

Resolved by the Senate, That April 13-19, 2003, is hereby recognized as Michigan Credit Union Youth Week in recognition of the efforts of Michigan credit unions to aid our state's youth in learning essential personal finance skills that will help them prosper in the future; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Credit Union League as evidence of our support for their endeavors.

Senators Birkholz, Thomas, Jacobs, Basham, Bernero, Barcia, Switalski, Cassis and Toy were named co-sponsors of the resolution.

Senators Sanborn, Cropsey, Patterson, Garcia, George, Gilbert, McManus, Cassis, Toy, Birkholz, Goschka, Bishop, Olshove, Basham, Allen, Barcia, Prusi and Sikkema offered the following resolution:

Senate Resolution No. 54.

A resolution to express our gratitude to Australian Prime Minister John Howard and the brave service men and women of Australia for their heroic and brave action during Operation Iraqi Freedom.

Whereas, Preserving liberty in a troubled world always demands great vigilance by freedom-loving nations. We must recognize the debt we owe our Australian allies for their steadfast support and their equal commitment to freeing the Iraqi people from their cruel dictator and helping to fight oppression around the world; and

Whereas, In the weeks and months that lie before us, there is no telling what challenges and dangers lie ahead for coalition forces. We can, however, promise that the people of Michigan stand ready to express our support and gratitude for the courageous efforts of Australian forces; now, therefore, be it

Resolved by the Senate, That we express our gratitude and support for Australian Prime Minister John Howard and the armed forces of Australia as they stand with us to help advance efforts to defeat the regime of Saddam Hussein and remove threats to peace and liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Office of Prime Minister John Howard, the Australian Parliament, and the Office of the President of the United States.

Senators Jacobs, Bernero, Van Woerkom, Switalski and Kuipers were named co-sponsors of the resolution.

Senators Sanborn, Cropsey, Patterson, Garcia, George, Gilbert, McManus, Cassis, Toy, Bishop, Goschka, Olshove, Basham, Allen, Barcia, Prusi and Sikkema offered the following resolution:

Senate Resolution No. 55.

A resolution to express our gratitude to British Prime Minister Tony Blair and the brave service men and women of the United Kingdom for their heroic and brave action during Operation Iraqi Freedom.

Whereas, Preserving liberty in a troubled world always demands great vigilance by freedom-loving nations. We must recognize the debt we owe our British allies for their steadfast support and their equal commitment to freeing the Iraqi people from their cruel dictator and helping to fight oppression around the world; and

Whereas, In the weeks and months that lie before us, there is no telling what challenges and dangers lie ahead for coalition forces. We can, however, promise that the people of Michigan stand ready to express our support and gratitude for the courageous efforts of British forces; now, therefore, be it

Resolved by the Senate, That we express our gratitude and support for British Prime Minister Tony Blair and the armed forces of the United Kingdom as they stand with us to help advance efforts to defeat the regime of Saddam Hussein and remove threats to peace and liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Office of Prime Minister Tony Blair, the British Parliament, and the Office of the President of the United States.

Senators Birkholz, Jacobs, Bernero, Van Woerkom, Switalski and Kuipers were named co-sponsors of the resolution.

Senators Sanborn, Cropsey, Patterson, Kuipers, Toy, Bishop, Goschka, Garcia, George, Cassis, Olshove, Prusi, Allen, McManus and Sikkema offered the following resolution:

Senate Resolution No. 56.

A resolution to express our gratitude to President Aleksander Kwasniewski of Poland and the brave service men and women of Poland for their heroic and brave action during Operation Iraqi Freedom.

Whereas, Preserving liberty in a troubled world always demands great vigilance by freedom-loving nations. We must recognize the debt we owe our Polish allies for their steadfast support and their equal commitment to freeing the Iraqi people from their cruel dictator and helping to fight oppression around the world; and

Whereas, In the weeks and months that lie before us, there is no telling what challenges and dangers lie ahead for coalition forces. We can, however, promise that the people of Michigan stand ready to express our support and gratitude for the courageous efforts of Polish forces; now, therefore, be it

Resolved by the Senate, That we express our gratitude and support for President Aleksander Kwasniewski of Poland and the armed forces of Poland as they stand with us to help advance efforts to defeat the regime of Saddam Hussein and remove threats to peace and liberty; and be it further

Resolved, That copies of this resolution be transmitted to the Office of President Aleksander Kwasniewski, the Polish Legislature, and the Office of the President of the United States.

Senators Birkholz, Jacobs, Basham, Bernero, Van Woerkom, Barcia and Switalski were named co-sponsors of the resolution.

Senator Thomas offered the following resolution:

Senate Resolution No. 58.

A resolution honoring Ever Lee Watson on her 92nd Birthday.

Whereas, Miss Ever Lee Watson was born in Georgia on April 16, 1911. She has been a Michigan citizen and Detroitier since 1935, raising a family and giving back to her community; and

Whereas, Miss Watson has been a longtime member of the Second Baptist Church in Detroit. She has served her community in many ways, including Youth in Government coordinator for Second Baptist Church and also as a member of the Michigan Board of Governors; now, therefore, be it

Resolved by the Senate, That we hereby honor and congratulate Ever Lee Watson on her 92nd Birthday; and be it further

Resolved, That a copy of this resolution be transmitted to Ever Lee Watson as a token of our esteem.

Senator Hammerstrom offered the following resolution:

Senate Resolution No. 52.

A resolution to memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare.

Whereas, Mental health and emotional stability are key components of every person's overall health and well-being. The correlation between mental health and physical health is well established. However, there are numerous situations in which mental health and mental health services are considered far differently than physical maladies; and

Whereas, Under the current practices of our Medicare system, several types of mental health and counseling services are not covered. This omission is especially inappropriate in view of the fact that senior citizens often face more challenges to their emotional and mental well-being than other age groups. Senior citizens suffer from depression at higher rates than many other age groups, for example; and

Whereas, Congress has before it a measure that would address this gap in Medicare coverage. The Seniors Mental Health Access Improvement Act, S. 310, would amend the Medicare system to provide for the coverage of marriage and family therapist services and mental health counselor services under Part B of Medicare. The impact of adding this coverage would be beneficial not only to countless individuals and families, but also to the Medicare system through the improved overall health it would encourage; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Birkholz, Thomas, Jacobs, Bernero, Goschka, Bishop, Barcia, Kuipers, Cassis and Toy were named co-sponsors of the resolution.

Senators Barcia, Brown, Olshove, Emerson, Schauer and Cherry offered the following resolution:

Senate Resolution No. 57.

A resolution to commemorate April 24, 2003, as Michigan Bone Marrow and Blood Stem Cell Transplant Awareness Day.

Whereas, In recognition of the tremendous strides made in treating deadly diseases through therapies using bone marrow and blood stem cells, it is most appropriate for this legislative body to commemorate April 24, 2003, as

Michigan Bone Marrow and Blood Stem Cell Transplant Awareness Day. This commemoration comes during National Donate Life Month, which seeks to educate the public about the critical need for organ, tissue, bone marrow, and blood donation; and

Whereas, Each year, an estimated 30,000 Americans, including more than 1,000 Michigan citizens, are diagnosed with life-threatening diseases that can now be treated successfully by transplanting bone marrow or blood stem cells. From leukemia and lymphoma to sickle cell anemia and multiple myeloma, these diseases are being cured far more often than ever through transplants of cells derived from the patient's own body or from generous donors. Although transplantation still holds risks, tremendous strides have been made in recent years in diagnosis, treatment, and prevention of side effects. Bone marrow transplant is no longer a therapy of last resort, but a proven way to cure disease safely; and

Whereas, Five Michigan medical centers currently perform bone marrow and blood stem cell transplants, saving the lives of hundreds of patients each year. The oldest and largest of these programs is at the University of Michigan Health System in Ann Arbor, which since the late 1980s, has performed more than 2,000 transplants. The University of Michigan team, based at the U-M Comprehensive Cancer Center, guided 234 patients through the transplant process in the year 2002 alone, making this program one of the ten most active in the nation. The university's program is a regional resource, helping patients from every area of Michigan and the Great Lakes region. At every one of the state's transplant centers, teams of doctors, nurses, pharmacists, laboratory scientists and staff, allied health professionals, and others work in concert to provide the best care for those who need their help; and

Whereas, Through scientific research and clinical innovation, Michigan's health care professionals have made major contributions to make such therapies safer and more successful for patients worldwide. Researchers at the U-M Blood and Marrow Transplant Program have won millions of dollars in scientific funding from government and private sources and are recognized internationally for the strength of their ideas and their efforts to improve transplant care. Researchers from the University of Michigan constantly seek to translate new treatment ideas from the laboratory to the patient's bedside, fulfilling its role as a charter member of the nation's bone marrow transplant clinical trials network. Teams of scientists in the university's laboratories are now working to unravel the mysteries of transplant rejection and complications. They share this new knowledge with the world's scientific community, helping to accelerate improvements in understanding. They also seek active collaborations with the private sector, enabling new therapies to reach patients faster; and

Whereas, The future holds great promise for the continued growth and success of bone marrow and blood stem cell transplantation because Michigan's institutions are training the health care professionals who will carry the field further. The next generation of leadership in medicine, science, nursing, and the health professions, now learning at our state's transplant centers, will apply their own creativity, energy, and devotion to improving care for tomorrow's patients. Today's health care professionals across the state benefit from the outreach and professional education opportunities offered by the University of Michigan transplant team; and

Whereas, Far more registered donors are needed to provide the bone marrow and blood stem cells that can help patients who possess the same tissue type. The need is especially great for donors of certain ethnicities, including African Americans, Native Americans, Asian Americans, and Arab Americans. Four million Americans have already registered as potential bone marrow donors, including many Michigan citizens. But far more are needed so that every patient who might benefit from a transplant can find a suitable match quickly; now, therefore, be it

Resolved by the Senate, That we hereby salute Michigan's bone marrow and blood stem cell transplant professionals, donors, patients, and their families as they work together to make transplants more effective, safer, and more available to all who might benefit from this therapy; and be it further

Resolved, That we commemorate April 24, 2003, as Michigan Bone Marrow and Blood Stem Cell Transplant Awareness Day, in hopes that it will increase public awareness of the need for increased donor registration and of the life-saving transplants and transplant research that occur in Michigan.

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 resolution was adopted.

Senators Johnson and Stamas were named co-sponsors of the resolution.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 18.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare.

Whereas, Mental health and emotional stability are key components of every person's overall health and well-being. The correlation between mental health and physical health is well established. However, there are numerous situations in which mental health and mental health services are considered far differently than physical maladies; and

Whereas, Under the current practices of our Medicare system, several types of mental health and counseling services are not covered. This omission is especially inappropriate in view of the fact that senior citizens often face more challenges to their emotional and mental well-being than other age groups. Senior citizens suffer from depression at higher rates than many other age groups, for example; and

Whereas, Congress has before it a measure that would address this gap in Medicare coverage. The Seniors Mental Health Access Improvement Act, S. 310, would amend the Medicare system to provide for the coverage of marriage and family therapist services and mental health counselor services under Part B of Medicare. The impact of adding this coverage would be beneficial not only to countless individuals and families, but also to the Medicare system through the improved overall health it would encourage; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to include the services of licensed professional counselors and marriage and family therapists among services covered under Medicare; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the 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 Health Policy.

The motion prevailed.

Senators Birkholz, Thomas, Jacobs, Bernero, Goschka, Bishop, Barcia, Kuipers, Cassis and Toy were named co-sponsors of the concurrent resolution.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 19.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, April 3, 2003, it stands adjourned until Tuesday, April 22, 2003, at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Thursday, April 10, 2003, it stands adjourned until Tuesday, April 29, 2003, at 1:00 p.m.

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 concurrent resolution was adopted.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Basham's statement is as follows:

Two articles have caught my eye in recent days. According to Tuesday's *Gongwer*, deaths attributable to smoking have declined in Michigan, but our smoking rates still remain well above the national average. Additionally, the article stated that there has been an increase in the number of smokers in the 18-24 age group and the 25-34 age group. These are the highest levels among any age group. Clearly, the health hazards caused by smoking are not going away. It is time for the state to take pro-active measures to encourage people to stop smoking.

Another article I found in the *Petoskey News-Review* stated that in Helena, Montana, the number of heart attacks has been cut in half since the city enacted a ban on smoking in restaurants. The study of Helena was recently presented to the American College of Cardiology and is considered to be the first study of the public health effects of smoke-free restaurant legislation. I am the sponsor of a piece of legislation that would do the same for Michigan.

Secondhand smoke contains over 4,000 chemicals, 200 are poisons, and 43 cause cancer. Secondhand smoke has been classified by the Environmental Protection Agency (EPA) as a known cause of cancer in humans. It's a Group A carcinogen according to the American Lung Association. Secondhand smoke causes lung cancer and other health problems. The EPA estimates that secondhand smoke causes approximately 3,000 lung cancer deaths and 35,000 heart disease deaths in nonsmokers each year, according to the American Lung Association.

Secondhand smoke is especially harmful to young children. The EPA estimates that secondhand smoke is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year according to the American Lung Association. Secondhand smoke is harmful to children with asthma. The EPA estimates that for between 200,000 and one million asthmatic children, exposure to secondhand smoke worsens their condition, and that's according to the American Lung Association.

Secondhand smoke can make children less than 18 months of age sick. It can cause pneumonia, ear infections, bronchitis, coughing, wheezing, and increased mucus production. According to the EPA, secondhand smoke, can lead to the buildup of fluid in the middle ear, the most common cause of hospitalization of children for an operation.

Each year in Michigan, approximately 1,900 people die from the effects of secondhand smoke, according to the Department of Community Health. Senate Bill No. 186 would ban smoking in restaurants. There would be exceptions for private clubs, bowling alleys, and bars whose income is less than 30 percent attributable to food.

And finally, this week Tuesday, New York City and Austin, Texas, have joined California, Delaware, Utah, and Florida in going completely smoke-free in restaurants. I'm sure that many of us will be spending a fair amount of the next two weeks in Florida restaurants. I hope my colleagues will take the time during their Florida vacations to enjoy the clean air and come back refreshed and ready to tackle this issue head-on.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Toy, Jacobs, Jelinek, Brown, Schauer, Patterson, Birkholz and Bernero introduced

Senate Bill No. 371, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e. The bill was read a first and second time by title and referred to the Committee on Transportation.

Senators Birkholz, Goschka, Patterson and Hardiman introduced

Senate Bill No. 372, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 360.

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

Senator Jacobs introduced

Senate Bill No. 373, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Basham introduced

Senate Bill No. 374, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 2 (MCL 247.902), as amended by 1989 PA 218.

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

Senator Basham introduced

Senate Bill No. 375, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 819 (MCL 257.819), as amended by 1990 PA 168.

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

Senators Basham and Cherry introduced

Senate Bill No. 376, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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

Senators Bishop, Sanborn, Cropsey, George, Birkholz, Johnson, Van Woerkom, Goschka, Kuipers, Basham and Allen introduced

Senate Bill No. 377, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319, 319b, 625, 625n, and 904d (MCL 257.319, 257.319b, 257.625, 257.625n, and 257.904d), sections 319 and 319b as amended by 2002 PA 534, section 625 as amended by 2000 PA 460, section 625n as amended by 1998 PA 349, and section 904d as amended by 2001 PA 159.

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

Senators Van Woerkom, Hammerstrom, Gilbert, Goschka, Cropsey, Birkholz and Kuipers introduced

Senate Bill No. 378, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg. The bill was read a first and second time by title and referred to the Committee on Finance.

House Bill No. 4332, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6, 6a, and 6b (MCL 38.556, 38.556a, and 38.556b), section 6 as amended by 2002 PA 98, section 6a as amended by 1982 PA 145, and section 6b as added by 1986 PA 30.

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.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Capital Outlay submitted the following:

Meeting held on Thursday, February 20, 2003, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), George, Cropsey, Goschka, Prusi, Clarke and Cherry

Excused: Senator Hardiman

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Commerce, Labor and Economic Development submitted the following:

Meeting held on Wednesday, March 5, 2003, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Garcia (C), George, Hardiman and Prusi

Excused: Senator Scott

COMMITTEE ATTENDANCE REPORT

The Michigan Capitol Committee submitted the following:

Meeting held on Thursday, March 20, 2003, at 1:05 p.m., Room 405, Capitol Building

Present: Senators George (C), Toy, Garcia and Schauer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, March 25, 2003, at 1:00 p.m., Room 405, Capitol Building

Present: Senators Brown (C), Stamas and Clarke

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture submitted the following:

Meeting held on Thursday, March 27, 2003, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Brown (C), Jelinek and Barcia

COMMITTEE ATTENDANCE REPORT

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

Meeting held on Tuesday, April 1, 2003, at 1:00 p.m., Room 405, Capitol Building
Present: Senators Brown (C), Stamas and Clarke

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

Agriculture - Thursday, April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

General Government - Tuesday, April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

Judiciary and Corrections - Tuesday, April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesday, April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Transportation Department - Tuesdays, April 8, April 15, and April 22, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 11:13 a.m.

Pursuant to Senate Concurrent Resolution No. 19, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, April 22, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

