

**No. 38**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, April 13, 2000.

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 present.

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

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

Rogers—present  
Schuette—present  
Schwarz—present  
Shugars—present  
Sikkema—present  
A. Smith—present  
V. Smith—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—present  
Young—present

Pastor Jim Jordan of Bethel Missionary Church of Yale offered the following invocation:

O God of all creation, we humbly acknowledge our dependence upon You today. Your thoughts are higher than our thoughts. Your ways are greater than our ways. We pray that You would condescend to show Your grace and mercy upon this assembly today. I pray for these men and women who have been called upon to serve in this capacity on behalf of the people of this state that You would provide for them and minister to them today. I ask that You would enable each one of them to humble him or herself before You, acknowledging Your divine sovereignty.

In Jesus' name, I pray that You would intervene in each of their individual lives to watch over them and their families. I ask, Lord, that You'd give to each the courage to stand up to do that which is right in the sight of God's great wisdom. Help them to shun that which is evil. Help them to avoid that which is simply easy, expedient, or popular, in favor rather of that which is moral and that which is honoring to God.

We humbly give to You our sincere thanks. We ask, O God, that You help us to remember the promise You made that when we call upon You, You are able to help us and answer our prayer.

We ask these things in the matchless and wonderful name of the resurrected Lord, Jesus Christ. Amen.

### Motions and Communications

The following communications were received:

Office of the Auditor General

April 11, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the State-Funded Judicial Operations, October 1, 1996, through September 30, 1998.

April 11, 2000

Enclosed is a copy of the following audit report and/or executive digest:

Financial Audit, Including the Provisions of the Single Audit Act, of the Michigan Jobs Commission, October 1, 1996, through September 30, 1998.

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

The communications were referred to the Secretary for record.

The Secretary announced the printing and placement in the members' files on Wednesday, April 12, of:  
**Senate Bill No. 1205**

Senators Emmons, McCotter, Gougeon, Murphy and Young entered the Senate Chamber.

Senator Rogers moved that rule 3.902 be suspended to allow the guests of Senator Peters admittance to the Senate floor.

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

Senator Rogers moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

### Recess

Senator Rogers moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 10:05 a.m.

10:17 a.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senator Peters introduced to the Senate violinist Melissa White and presented her with a special tribute.

Ms. White rendered two selections.

Senator Schwarz asked and was granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Schwarz's first statement is as follows:

First, Mr. President, I have as my guest with me, here on the floor, my daughter Brennan Schwarz, who on the 29th of this month will receive her master's degree in public policy from the University of Michigan and then go, I don't know where. She thinks she'd like to go to Washington and perhaps save the world, and if she'd like to do that, that's all right—or New York or wherever.

I'd like you to join me in welcoming Brennan back to the Senate floor for the first time in probably ten years. I think she was an elementary school student or a junior high student the last time she was here. On Saturday, the 29th of April, she'll be Brennan Schwarz, M.P.P., and she has a very proud father. I'd like you to join me in greeting Brennan.

Senator Schwarz's second statement is as follows:

Mr. President—speaking of the University of Michigan—a very outstanding intern in my office, a political science major at the University of Michigan, Matt Rettig, is having his last day today in the Senate. Matt has been a superb intern in the office for this his second academic semester of 2000. Matt is a native of Ann Arbor, went to school in Ann Arbor, and is equally as maize and blue as the Senator for whom he worked this semester. So Matt—if you'd come up—I'd like to present you with this tribute from Team Schwarz and wish you well in your last year in Michigan and all you may do thereafter. Go Blue!

### Messages from the House

#### Senate Bill No. 588, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 1996 PA 553.

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

#### Third Reading of Bills

By unanimous consent the Senate proceeded to consideration of the following bill:

#### House Bill No. 4414, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2552 (MCL 600.2552), as amended by 1994 PA 154.

The above bill was read a third time.

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. 234

#### Yeas—38

Bennett  
Bullard  
Byrum  
Cherry

Gast  
Goschka  
Gougeon  
Hammerstrom

McCotter  
McManus  
Miller  
Murphy

Shugars  
Sikkema  
Smith, A.  
Smith, V.

DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**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.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5083, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 931 (MCL 600.931), as amended by 1989 PA 100.

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. 235**

**Yeas—36**

Bennett	Goschka	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
Byrum	Hammerstrom	Miller	Smith, A.
Cherry	Hart	Murphy	Smith, V.
DeGrow	Hoffman	North	Steil
Dunaskiss	Jaye	Peters	Stille
Emerson	Johnson	Rogers	Van Regenmorter
Emmons	Koivisto	Schuette	Vaughn
Gast	Leland	Schwarz	Young

**Nays—2**

DeBeaussaert

Dingell

**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.

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5291, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 167 (MCL 388.1767), as amended by 1997 PA 93.

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. 236**

**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**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.

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 prescribe penalties; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5292, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 9208 (MCL 333.9208).

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. 237**

**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**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.

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5293, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177 (MCL 380.1177), as amended by 1996 PA 399.

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. 238**

**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**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.

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, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; 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.

Senators Peters and McCotter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Peters' statement is as follows:

I wanted to introduce a couple of my interns who have been working very hard in my office. This is going to be their last week here with us in the Capitol. Right next to me is Shelly Paducha, who's from Michigan State University, a journalism and advertising major. Shelly has done an absolutely outstanding job in our office working every day on every project that we gave her. In fact, she worked four days a week, which is pretty remarkable given all the work that we gave her and all of the varying duties. She kept coming back day after day and continued to do an outstanding job, and we're certainly going to miss her in our office.

Next to Shelly is Dana White, who is from Western Michigan University, getting her B.A. in political science and went to Portage Central High School. She got on the bus from Western Michigan University twice a week for that long trek from Western to come here to the state's Capitol and did an outstanding job for us. She was real active with the Arts Caucus events, which is very appropriate after our presentation today by the Arts Caucus. She is also particularly interested in judiciary issues where she really excelled and hopes to be a lawyer. I know she'll make an outstanding lawyer.

I think these two fine interns are really world-class people. We're going to miss them in our office. They're going to have a real bright future, and I'm sure we're going to see both of them again in the near future. I would like to have my colleagues thank them for their hard work on behalf of the people of the state of Michigan.

Senator McCotters' statement is as follows:

I'd just like to draw the Senate's attention to my second intern, Mr. Vik Vaishya, who's been serving very well in our office. He's been having a wonderful time and learning how good government works.

By unanimous consent the Senate returned to consideration of the following bill:

**House Bill No. 4710, entitled**

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by amending section 6 (MCL 28.6), as amended by 1989 PA 10.

The above bill was read a third time.

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. 239**

**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.  
The motion prevailed, 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:

**House Bill No. 4711, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411 (MCL 750.411).

The question being on the passage of the bill,

Senator Van Regenmorter offered the following amendments:

1. Amend page 2, line 7, after “whereabouts” by inserting a comma.

2. Amend page 2, line 8, after “injuries” by striking out “AND THE IDENTIFICATION OF THE PERPETRATOR, IF KNOWN”.

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

The question being on the passage of the bill,

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

**Roll Call No. 240**

**Yeas—37**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Hammerstrom	Miller	Smith, A.
Cherry	Hart	Murphy	Smith, V.
DeBeaussaert	Hoffman	North	Steil
DeGrow	Jaye	Peters	Stille
Dingell	Johnson	Rogers	Van Regenmorter
Dunaskiss	Koivisto	Schuette	Vaughn
Emerson	Leland	Schwarz	Young
Emmons			

**Nays—0**

**Excused—0**

**Not Voting—1**

Gougeon

In The Chair: President

Senator Rogers moved that Senator Gougeon be temporarily excused from the balance of today’s session. The motion prevailed.

Senator Gougeon entered the Senate Chamber.

Senator Rogers moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Senator Gougeon stated that had he been present when the vote was taken on the passage of the following bill, he would have voted “yea”:

**House Bill No. 4711**

The following bill was read a third time:

**House Bill No. 4715, entitled**

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services," by amending the title and section 1 (MCL 400.1501).

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. 241**

**Yeas—38**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil
DeGrow	Hoffman	Peters	Stille
Dingell	Jaye	Rogers	Van Regenmorter
Dunaskiss	Johnson	Schuette	Vaughn
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

**Nays—0**

**Excused—0**

**Not Voting—0**

In The Chair: President

Senator Rogers moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.  
The Senate agreed to the title of the bill.

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. 157**

**Senate Concurrent Resolution No. 38**

**Senate Resolution No. 158**

**Senate Resolution No. 160**

**Senate Resolution No. 161**

The resolution consent calendar was adopted.

Senator Schwarz offered the following resolution:

**Senate Resolution No. 157.**

A resolution proclaiming the week of April 17, 2000, as Character Education Week in the state of Michigan.

Whereas, The members of the Michigan Senate wish to acknowledge the importance of the teaching of honesty, respect, responsibility, and caring to the youth of our great state by joining in the efforts of Character Unlimited, a program in Summit Pointe, Michigan; and

Whereas, Character Unlimited has worked to raise awareness of the importance of good character, becoming an active partner with other organizations to train and integrate character development into their programs and areas of influence, and to foster positive youth development; and

Whereas, Educators, administrators, and support personnel in Calhoun County and statewide are trained in the philosophy, development, and implementation of a character education program, designed to show how every adult in a child's life is a role model for character; and

Whereas, Traits such as honesty, respect, responsibility, fairness, cooperation, and trustworthiness are brought to bear on problem-solving, decision-making, dispute resolution, and social skills; and

Whereas, In our democracy, it is imperative that greater awareness is generated in realizing the power of character development to make positive change in a community. Character Unlimited exists to teach adults ways to model good character and to influence others to practice it; and

Whereas, The activities during the week will serve to promote the importance of character education in our schools, workplaces, communities, state, and country; now, therefore, be it

Resolved by the Senate, That the efforts of Character Unlimited and its numerous partner organizations are lauded and acknowledged by proclaiming the week of April 17, 2000, as Character Education Week in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Character Unlimited of Calhoun County as an expression of our support for this event.

Senators Young and Goschka were named co-sponsors of the resolution.

Senators Hoffman, Shugars, Hammerstrom, Rogers and Bennett offered the following concurrent resolution:

**Senate Concurrent Resolution No. 38.**

A concurrent resolution to memorialize the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools.

Whereas, The United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..." which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believes that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That the members of the Michigan Legislature memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further

Resolved, That a copy 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.

Senator Goschka was named co-sponsor of the concurrent resolution.

Senators Hoffman, Shugars, Hammerstrom, Rogers and Bennett offered the following resolution:

**Senate Resolution No. 158.**

A resolution to memorialize the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools.

Whereas, The United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof..." which means that the government is prohibited from establishing a state religion. However, no barriers shall be erected against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from governmental mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believes that reaffirming a right to voluntary, individual, unorganized, and non-mandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further

Resolved, That a copy 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.

Senator Goschka was named co-sponsor of the resolution.

Senators A. Smith, Schwarz, Koivisto, McManus and Hoffman offered the following resolution:

**Senate Resolution No. 160.**

A resolution honoring and congratulating William E. Shelton upon his retirement as President of Eastern Michigan University.

Whereas, It is with great respect and admiration that the state of Michigan and the career field of higher education administration honor William E. Shelton for his significant contributions to Eastern Michigan University. For more than 30 years, Dr. Shelton has been an educator and, for most of that time, he served in an administrative capacity at an institution of higher education; and

Whereas, William Shelton began his tenure as President of Eastern Michigan University in 1989, coming to Michigan after serving as a vice president of Kent State University and Henderson State University, and in leadership positions at Northwest Mississippi Junior College; and

Whereas, In addition to his administrative duties, William Shelton has also forged a distinguished record of academic instructional experience at each institution he has served; and

Whereas, As President of Eastern Michigan University, Dr. Shelton's vision has been that it would be a "learning university." His goal was to create an exceptional learning environment where success was measured by the quality and significance of what students learned and their outcomes rather than the process; and

Whereas, One of the successes of his vision of the "learning university" was the creation of the "Barriers to Learning Initiative," designed to remove hindrances to student learning such as time, space, and process. A team problem-solving model was developed and has been used with numerous projects throughout the university. It has been one of the most successful initiatives at the university in the last decade; and

Whereas, Dr. Shelton's presidency has been a period of significant construction and renovation on the campus of Eastern Michigan University. New construction has included the Everett L. Marshall College of Health and Human Services Building, Convocation Center, Bruce T. Halle Library, The Terrestrial and Aquatic Ecology Center, and Outdoor Recreation Center. Major renovations have included Boone Hall, the John W. Porter College of Education Building (formerly the library), and Pease Auditorium; and

Whereas, By his performance, William Shelton has brought credibility to Eastern Michigan University as its representative to the Legislature, Congress of the United States, higher education community in Michigan and the nation, and the many organizations and individual citizens with whom he interacts; and

Whereas, Dr. Shelton's prominence as a leader in education extends beyond the university. He was appointed by former Speaker of the U. S. House of Representatives, Thomas S. Foley, to the National Education Commission on Time and Learning. He served as a member of the NCAA Presidents Commission, and chaired the NCAA Committee on Sportsmanship and Ethical Conduct in Intercollegiate Athletics; and

Whereas, William has the courage of his convictions and has provided strong leadership on challenging issues facing the university community. This was demonstrated when he made a courageous decision to recommend the elimination of the Native American logo and nickname for the university's athletic teams. Believing that an educational institution cannot justify the continued use of symbols which offend and denigrate, however unintentional, he remained steadfast to this conviction despite opposition and controversy; now, therefore, be it

Resolved by the Senate, That we thank and commend Dr. William E. Shelton for his long-standing commitment to the field of higher education and his exemplary achievements on behalf of the thousands of students whose lives he has influenced; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Shelton as evidence of our esteem and our best wishes for his future plans.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senator Young offered the following resolution:

**Senate Resolution No. 161.**

A resolution honoring Ted Talbert on his induction into the Michigan Journalism Hall of Fame.

Whereas, Ted Talbert has enlightened, entertained, and educated the Detroit area television audiences with documentaries and news reports about the African-American community for the past 30 years; and

Whereas, Mr. Talbert has focused his camera on some of the most significant members of the community, accurately portraying their struggles, frustrations, and successes; and

Whereas, Viewers may recall the powerful portrayals of African-Americans in "Lettermen of the Law," "Buffalo Soldiers Wrapped in Steel," "Against the Wind," "Black Unions: From Randolph to the Rouge," "Blacks in Blue," "Black Angels of Mercy," "Black Phoenix Rising," "Black Doctors," "Boots, Saddles, and Blacks," "Detroit and All That Jazz," and "Idlewild: A Place in the Sun," "And Still the Champ," which were broadcast on WDIV-TV 4; and

Whereas, Ted Talbert's documentaries have instilled pride among African-Americans concerning their cultural history and have offered Detroit area residents of diverse ethnicity, race, and religion special insight into shared values and experiences; and

Whereas, In the words of two former journalists who nominated Ted for the Michigan Journalism Hall of Fame, he has been “a generous mentor and role model” and has lectured aspiring journalists at the University of Missouri’s School of Journalism, Wayne State University, Wayne County Community College, and many high schools; and

Whereas, Mr. Talbert’s talent, passion, and innovation have earned him three Emmy awards and the Frederick Douglass Award from the National Association of Black Journalists; and

Whereas, Ted will be honored again by his peers as he is inducted into the Michigan Journalism Hall of Fame on April 15, 2000; now, therefore, be it

Resolved by the Senate, That we, representing all the citizens of the great state of Michigan, honor and congratulate Ted Talbert on an exemplary career in journalism; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Talbert as evidence of our esteem for his many worthwhile endeavors.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators DeBeaussaert, Byrum, Miller and Hart offered the following resolution:

**Senate Resolution No. 159.**

A resolution to memorialize the Congress of the United States to enact legislation to provide optional prescription Medicare coverage for seniors.

Whereas, Prescription drug purchases are the largest single source of out-of-pocket health costs for Medicare beneficiaries; and

Whereas, Seniors are expected to comprise 20 percent of the United States population by the year 2030; and

Whereas, Nearly 15 million beneficiaries currently have no prescription drug coverage, and millions more are at risk of losing coverage or have inadequate coverage; and

Whereas, Drug costs are increasing precipitously, particularly those that are frequently prescribed for seniors, such as high blood pressure medication, cholesterol medication, and medication for heart problems; and

Whereas, Recent studies have indicated that seniors in parts of Michigan are paying 83 percent more for prescription drugs than is charged in Canada for the same drug; and

Whereas, The same studies have indicated that seniors are paying as much as 133 percent more than the cost paid by Health Maintenance Organizations (HMOs) for five common drugs; and

Whereas, Availability of prescription drug coverage for seniors is declining; and

Whereas, Many seniors are forced to choose between spending money on prescription drugs or food and housing expenses; and

Whereas, One in fourteen seniors in the country has drug bills exceeding \$100 per month that must be paid from fixed incomes without other means; and

Whereas, Seniors throughout the state have called for federal solutions to address the problems of increasing prescription drug costs; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to provide optional prescription Medicare coverage for seniors; 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 Rogers 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 Rogers moved that the resolution be referred to the Committee on Health Policy.

The motion prevailed.

Senators Young and Goschka were named co-sponsors of the resolution.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Rogers moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

**Senate Bill No. 1006**

The motion prevailed.

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

The motion prevailed.

Senator A. Smith's statement is as follows:

It is with regret that I have an intern from my office, Alex Gomez, who is leaving. This is his last day. He is a student—a sophomore—at the University of Michigan in political science. Alex has been an outstanding intern. He has worked across a number of issues and has been good enough to accompany me to the floor on a number of occasions and sort of keep my head on straight. Alex, could you please stand.

By unanimous consent the Senate proceeded to the order of  
**Statements**

Senators Koivisto and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Koivisto's statement is as follows:

I just want to note for the membership that Senate Bill No. 512 will be getting referred back to committee. It's a bill that would provide for a break on hunting and fishing licenses for people with disabilities. I'm the sponsor of the bill, and I just want to note for the membership that I do not support the move and the reason for it because I'm going to have my remarks printed in the Journal. When you get calls from people with disabilities, you can refer to what's in the Journal that I'm saying right now.

There are two reasons that this bill is being referred: Number one, the Department of Natural Resources strongly opposes it. Number two, they've convinced the administration to strongly oppose this. So I don't want this to slide back to committee and everybody think that we were just fine with it or that I was fine with it as the sponsor because I think people with disabilities should be able to get a reduced hunting and fishing license fee. There aren't that many people who are going to take advantage of this to begin with.

So I wanted to note for the membership the reason for this and the fact that the sponsor of the bill does object too. It's going to happen; it's going to go back to committee. But when you get the inquiries, then ask the people inquiring of you to contact the Department of Natural Resources and the administration who are the parties that object to it.

Senator V. Smith's statement is as follows:

I read today in *The Detroit News* about the serial killer who was operating down in the Dearborn-Detroit area who was recently arrested about two days ago. *The Detroit News* had an article which I found disturbing.

The nature of that article is that this serial killer, who was recently arrested as a result of the three bodies that were found in the southwest side of Detroit, was sought to have a warrant issued against him a month ago by the prosecutor's office. There was a murder in Dearborn Heights, and the Dearborn Heights police suspected this individual, took a DNA sample, and had that sample tested. Then they went to the prosecutor's office and asked for a warrant. That warrant was not issued. I saw the chief assistant prosecutor's response, and in my estimation, since they were dealing with a serial killer, the response was inadequate. As a result of their denial or delay of issuing that warrant, three more women were killed by this same serial killer, who has now confessed to the Detroit Police Department.

So there were three women who lost their lives because the prosecutor's office in Wayne County refused or delayed to issue a warrant. I think that the prosecutor needs to rethink his policy down in Wayne County. And I think he needs to seriously look at the review of his office and the warrant section that deals with homicide and the operation of their business. The loss of these three lives, in my estimation, was unnecessary, and the weak response given by the chief assistant would be inadequate in terms of families and them trying to respond to the families of the women who were subsequently killed because of that warrant denial.

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

By unanimous consent the Senate returned to the order of  
**Introduction and Referral of Bills**

Senators DeBeaussaert, Cherry, V. Smith, Hart, Dingell, Young, Emerson, A. Smith, Peters, Leland, Murphy and Vaughn introduced

**Senate Bill No. 1213, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending section 35 (MCL 408.1035), as amended by 1991 PA 105.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Senators McManus, Gast, Stille, North, Koivisto and Young introduced  
**Senate Bill No. 1214, entitled**

A bill to permit the creation of a racing corporation for the purpose of conducting certain forms of site-only simulcasting on certain horse races; to permit and regulate site-only simulcasting; to impose payment of certain portion of revenue received from site-only simulcasting; and to provide for certain powers and duties for certain state officers and departments.

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

Senators McManus, Gast, Stille, North, Koivisto and Young introduced  
**Senate Bill No. 1215, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending the title and sections 8 and 17 (MCL 431.308 and 431.317), section 17 as amended by 1998 PA 408.

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

Senators Sikkema, Johnson, Bullard, Jaye, Peters, DeBeaussaert and Hammerstrom introduced

**Senate Bill No. 1216, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3112c.

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

Senators Jaye and Young introduced

**Senate Bill No. 1217, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.

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

Senators Johnson, Dunaskiss, Hammerstrom, Rogers, Goschka, Bennett, North, Emmons, Shugars and Sikkema introduced

**Senate Bill No. 1218, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law therein on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to provide for a restructuring of rates for certain utilities; to encourage the utilization of resource recovery facilities; to provide for appeals; to provide appropriations; to declare the effect of this act; to prescribe penalties; and to repeal all acts contrary to this act," (MCL 460.1 to 460.8) by adding section 9m.

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

Senator Bullard introduced

**Senate Bill No. 1219, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 1101, 1103, 1105, 1125, and 8132 (MCL 500.1101, 500.1103, 500.1105, 500.1125, and 500.8132), sections 1101, 1105, and 1125 as added by 1994 PA 226, section 1103 as amended by 1994 PA 443, and section 8132 as added by 1989 PA 302.

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

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator Rogers moved that the following bill be removed from the table:

**House Bill No. 4532, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

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

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Wednesday, May 10, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Career Development Strategic Fund Agency** - Tuesday, May 2, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Consumer and Industry Services** - Wednesday, May 3 and Thursday, May 11, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Environmental Quality** - Thursday, May 4, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Family Independence Agency** - Tuesday, May 2, 1:00 p.m., Room 210, Farnum Building; Tuesday, May 9, 1:00 p.m., Room 210, Farnum Building (373-1760)

**General Government** - Tuesday, May 2, 1:00 p.m., Room 404, Capitol Building; Tuesday, May 9, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; and Wednesday, May 10, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Judiciary** - Wednesday, May 3 and May 10, 1:00 p.m., Room 210, Farnum Building (373-2413)

**Natural Resources** - Tuesday, May 9, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**State Police and Military Affairs** - Tuesdays, May 2 and May 9, 1:30 p.m., Room 405, Capitol Building (373-2426)

**Transportation** - Thursday, May 11, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

**Health Policy** - Tuesday, May 2, 3:00 p.m., Room 100, Farnum Building (373-0793)

#### Legislative Retirement Board of Trustees -

##### Subcommittee -

**Investment Issues** - Wednesday, April 19, 10:30 a.m., 9th Floor Conference Room, S0929 House Office Building (373-0575)

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

Pursuant to Senate Concurrent Resolution No. 35, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, May 2, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.