

**No. 29**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Wednesday, April 10, 2002.

10:00 a.m.

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

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  
Garcia—present  
Gast—present  
Goschka—present

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

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

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Today's invocation was drafted for me by Wayne County Circuit Court Judge William Giovan.

Dear Lord, guide our deliberations. Inspire us to contemplate the public good in all we do, and protect us from those who would divert us from that end. And, Lord, when we conclude our labors, give us the peace to know that we have expended our best effort. In Thy name we pray. Amen.

Senators Bennett, Scott, Murphy, Cherry and Smith entered the Senate Chamber.

### Motions and Communications

Senator Emmons moved that Senators Garcia, Schuette and Shugars be temporarily excused from today's session. The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 9:  
**House Bill Nos. 5665 5680 5711 5712 5742 5750 5752 5754 5755**

### Messages from the Governor

The following message from the Governor was received and read:

April 9, 2002

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:  
**Chairman and President/CEO of the Michigan Broadband Development Authority Board**

Mr. William G. Rosenberg, 508 Queensferry Road, Cary, North Carolina 27511, as Chairman and President/CEO, for a term expiring at the pleasure of the Governor.

Sincerely,  
John Engler  
Governor

The appointment was referred to the Committee on Government Operations.

### Messages from the House

#### Senate Bill No. 829, entitled

A bill to amend 1967 PA 55, entitled "An act relating to the management of state funds; to prescribe the powers and duties of the state treasurer and the state administrative board; and to repeal certain acts and parts of acts," by amending section 1 (MCL 12.51).

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

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

#### Senate Bill No. 830, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by repealing section 88 (MCL 16.188).

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

#### Senate Bill No. 831, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 389 (MCL 18.1389), as amended by 1988 PA 504.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 832, entitled**

A bill to amend 1955 PA 70, entitled "An act to authorize cities to acquire and operate exhibition areas for commercial, industrial and agricultural products; to provide for the issuance of bonds to finance the cost thereof; to authorize the fixing and collecting of fees and other charges for the use of facilities therein; and to authorize the making of reasonable rules and regulations relative to the public use of facilities therein," by amending section 5 (MCL 123.655).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.  
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senators Schuette and Shugars entered the Senate Chamber.

**Senate Bill No. 835, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 15 (MCL 125.1815), as amended by 1996 PA 271.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 903, entitled**

A bill to amend 1909 PA 269, entitled "An act to revise the laws relating to Michigan state university; and to prescribe the powers and duties of the board of trustees of Michigan state university," by amending section 20 (MCL 390.120).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.  
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 904, entitled**

A bill to amend 1931 PA 96, entitled "An act to provide for the construction and maintenance of non-trunk line roads located within the limits of a United States forest," by amending section 3 (MCL 249.33).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.  
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 905, entitled**

A bill to amend 1859 PA 143, entitled "An act relative to the university interest fund," by amending section 1 (MCL 21.211).

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.  
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 bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 906, entitled**

A bill to amend 1901 PA 232, entitled "An act to extend aid to the Michigan state college of agriculture and applied science," by amending section 4 (MCL 390.224); and to repeal acts and parts of acts.

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

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

By unanimous consent the Senate proceeded to the order of  
**General Orders**

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

The motion prevailed, and the President, Lieutenant Governor Posthumus, designated Senator Gougeon as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 5516, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4406.

**House Bill No. 5517, entitled**

A bill to amend 1925 PA 285, entitled "An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States or any other federally insured depository institution into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions," (MCL 490.1 to 490.31) by adding section 16c.

**House Bill No. 5518, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 1135.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 420, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending the title and section 17 (MCL 338.1067), as amended by 2000 PA 411, and by adding section 31a.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 425, entitled**

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending sections 9, 17, and 25 (MCL 338.1059, 338.1067 and 338.1075), as amended by 2000 PA 411.

Substitute (S-2).

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

By unanimous consent the Senate returned to the order of  
**Third Reading of Bills**

Senator Emmons moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 1206**

**House Bill No. 5576**

**House Bill No. 5136**  
**House Bill No. 5480**  
**House Bill No. 5525**  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1206, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76116 (MCL 324.76116), as added by 1995 PA 58.

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. 401**

**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young

**Nays—0**

**Excused—2**

Garcia	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 5576, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15 of chapter XVII (MCL 777.15), as amended by 2001 PA 152, and by adding sections 15a, 15b, 15d, 15f, and 15g.

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. 402**

**Yeas—36**

Bennett	Emmons	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

Cherry  
DeBeaussiaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Gougeon  
Hammerstrom  
Hart  
Hoffman  
Johnson  
Koivisto

Miller  
Murphy  
North  
Peters  
Sanborn  
Schuette

Sikkema  
Smith  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Garcia

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

Senator Garcia entered the Senate Chamber.

The following bill was read a third time:

**House Bill No. 5136, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding section 2973.

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. 403**

**Yeas—37**

Bennett  
Bullard

Garcia  
Gast

Leland  
McCotter

Schwarz  
Scott

Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons			

**Nays—0**

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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. 5480, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 297f.

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. 404**

**Yeas—37**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetz	Young
Emmons			

**Nays—0**

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: Schwarz

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, 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.

The following bill was read a third time:

**House Bill No. 5525, entitled**

A bill to amend 1964 PA 283, entitled “Weights and measures act of 1964,” by amending sections 1, 2, 8, 10a, 10b, and 31 (MCL 290.601, 290.602, 290.608, 290.610a, 290.610b, and 290.631), sections 2 and 8 as amended by 1982 PA 260 and section 31 as amended by 1986 PA 194, and by adding sections 9a, 9b, 28c, and 31a; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Smith offered the following amendment:

1. Amend page 15, following line 20, by striking out all of subsection (7).

The amendment was 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. 405**

**Yeas—37**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	Young
Emmons			

**Nays—0**

**Excused—1**

Vaughn



**Not Voting—0**

In The Chair: Schwarz

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 regulate and provide standards for weights and measures, and the packaging and advertising of certain commodities; to provide for a state director and other officials and to prescribe their powers and duties; to provide a fee system for certain inspections and tests; to provide penalties for fraud and deception in the use of false weights and measures and other violations; and to repeal certain acts and parts of acts.”

The Senate agreed to the full title.

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. 198**

**Senate Resolution No. 199**

**Senate Resolution No. 201**

The resolution consent calendar was adopted.

Senator Sikkema offered the following resolution:

**Senate Resolution No. 198.**

A resolution observing the week of April 21, 2002, as Beta Sigma Phi Week.

Whereas, As a service organization, the members of Beta Sigma Phi devote significant time and effort to charitable causes and organizations throughout the world. Members have raised more than \$3 million for local charities and donated over 200,000 volunteer hours every year; and

Whereas, The Beta Sigma Phi International Endowment Fund has donated over \$2 million to projects that include funding for health research groups, homes for underprivileged children, and hunger prevention; and

Whereas, The Grand Rapids area chapters of Beta Sigma Phi have donated time and resources to organizations such as Making Strides Against Breast Cancer, the Children’s Festival, Sight Seekers, Sitti’s Wish, Gilda’s House, the Salvation Army, God’s Kitchen, the Women’s Resource Center, and Paws with a Cause; and

Whereas, On April 25, 2002, the Grand Rapids Chapter of Beta Sigma Phi will join with over 12,500 chapters worldwide to celebrate their annual Founder’s Day. This traditional event will honor the 71st anniversary of the largest women’s social, service, and cultural organization in the world; and

Whereas, The people of the state of Michigan are grateful for the devotion of the members of this valuable organization to communities both in Michigan and throughout the world; now, therefore, be it

Resolved by the Senate, That we hereby commemorate Beta Sigma Phi’s many years of dedicated service by observing the week of April 21, 2002, as Beta Sigma Phi Week; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our respect and gratitude.

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

Senator Goschka offered the following resolution:

**Senate Resolution No. 199.**

A resolution honoring Alfonso Todd, Jr.

Whereas, It is with deep respect and appreciation that we offer this tribute as a celebration of the contributions of Alfonso Todd, Jr., State Commander of the Disabled American Veterans, Department of Michigan, for 2001-02. He has truly been a dedicated public servant for the people of Michigan; and

Whereas, A native of Birmingham, Alabama, and a resident of Buena Vista Township, Alfonso Todd has served as chaplain with the Department of Veterans Affairs since 1984. After obtaining a Master of Divinity degree in 1979 from the Pittsburgh Theological Seminary, Mr. Todd was commissioned in the U.S. Navy Chaplain Corps as a lieutenant (junior grade), where he served on active duty for more than four years. During that time, he was promoted to lieutenant commander and had duty stations at Camp Lejeune, North Carolina, and aboard several naval vessels. He was awarded the Navy Sea Service Deployment Ribbon, Order of Magellan, and Order of the Golden Dragon, and he became part of the proud Royal Shellback; and

Whereas, As the result of a serious medical condition, Mr. Todd's active duty was terminated in 1984, however, he continued to serve in the Navy Reserve until 1993. In 1991, Alfonso Todd achieved the coveted senior level rank of commander; and

Whereas, In 1992, Commander Todd began his current position as Chief of Chaplain Service at Saginaw's Aleda E. Lutz Veterans Administration Medical Center, where he supervises eight chaplains and six volunteers and directs several support groups for veterans and their families; and

Whereas, Alfonso Todd has been a faithful minister of the Gospel of our Lord Jesus Christ and has been used mightily of God in reaching hundreds of people who were lost and without spiritual hope; and

Whereas, Mr. Todd has a spirited love for life and country that he shares with his wife Jerlean and seven grown children. He is honored today for his abilities as a leader and as one who has led by example, exhibiting impeccable integrity and credibility; now, therefore, be it

Resolved by the Senate, That the members of this legislative body honor Alfonso Todd, Jr. With humble appreciation, we salute this public servant who ministers to others with great compassion and dignity; and be it further

Resolved, That a copy of this resolution be transmitted to Alfonso Todd, Jr., and his family as evidence of our admiration and esteem.

Senator Young was named co-sponsor of the resolution.

Senators Cherry, Miller, Emerson, Hart, Peters, Byrum, Dingell, Young, DeBeaussaert, Koivisto, Murphy, Scott, Smith and Leland offered the following resolution:

**Senate Resolution No. 201.**

A resolution commemorating April 28, 2002, as Workers' Memorial Day.

Whereas, United with the working men and women of the state of Michigan, we join in the observance of April 28, 2002, as Workers' Memorial Day. We stand in remembrance of all those who have lost their lives, suffered illness, sustained injuries, or encountered other irrevocable harm due to substandard working conditions. As we honor their lives and their work, we offer our deepest sympathies to their loved ones and friends; and

Whereas, The creation of the Occupational Safety and Health Act in 1970 has helped reduce the number of deaths and injuries in the workplace. However, we acknowledge that working people across the nation are still exposed to health and safety hazards on the job. Every year, nearly 60,000 workers die of job-related injuries and illnesses, and another six million workers are injured on the job. We strongly urge the policymakers across the state, nation, and world to continue to expand, strengthen, and enforce workplace safety and health regulations; and

Whereas, We acknowledge that the terrorist attacks of September 11, 2001, give special significance to Workers' Memorial Day. As we mourn the nearly 3,000 people who lost their lives, many of whom were on the job when the attacks occurred or serving as rescue workers, we urge stronger regulation of existing workplace hazards, as well as new safety and security threats; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 28, 2002, as Workers' Memorial Day; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan AFL-CIO, as we comfort the families, friends, and survivors on this day of remembrance and hope for continued efforts to improve working conditions for all.

Senator Stille offered the following resolution:

**Senate Resolution No. 200.**

A resolution to urge the Department of Environmental Quality to develop an aggressive education campaign on mercury and to work with the private sector and local communities to reduce mercury exposure in Michigan.

Whereas, Mercury is an element that poses a significant public health threat. This heavy metal can cause serious harm to people of all ages and is especially dangerous to those at the earliest stages of life. The more that is learned about mercury's effects, the more important it is to take aggressive measures to reduce mercury exposure and to inform people of the seriousness of this threat to health; and

Whereas, Michigan has made many efforts to deal with mercury over the years, including provisions to rid schools of mercury hazards and warnings on the consumption of certain fish by women who are pregnant or nursing. However, there is much more that needs to be done both to educate people and to remove mercury from items that are still commonplace in our homes and elsewhere; and

Whereas, A comprehensive public awareness campaign can teach citizens of all ages of the danger of mercury poisoning and where a person may come into contact with this substance. In spite of efforts already in place, the fact remains that many people do not realize the extent to which mercury is used in many readily available devices, including some electronics equipment, fluorescent light bulbs, and old batteries. Wider distributions of listings of where mercury might be used could be very helpful, in addition to stronger efforts to encourage manufacturers to incorporate safer materials and technologies; and

Whereas, State government should be taking a strong lead in promoting training, communicating with industry, facilitating better communications between health agencies, and informing citizens on common sense steps they can take to avoid contact with mercury; now, therefore, be it

Resolved by the Senate, That we urge the Department of Environmental Quality to develop a public education campaign on mercury and to work with the private sector and local communities to reduce mercury exposure in Michigan. We urge the Department of Environmental Quality to begin the implementation of the recommendations of the 1998 Michigan Mercury Pollution Task Force; and be it further

Resolved, That a copy of this resolution be transmitted to the Department of Environmental Quality.

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

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

### **Statements**

Senators Miller, Garcia and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Miller's statement is as follows:

During our Easter recess, I attended a funeral of a former legislator, Representative Raymond Hood, who served this body in the House along with his brother. Raymond passed away March 22.

Mr. President, I just want to let the body know that in all the years that we serve here, besides just being colleagues, we get to develop somewhat of a friendship, and I want to say that it was a real pleasure to get to know Representative Hood. He served this body for 18 years, Mr. President, from 1964-1982. He was a strong leader for public health and chaired the Public Health Committee in the House. He did a lot of great work for education, he believed in Wayne State University, and he believed in the Detroit public schools system. He did a tremendous amount of work, and he was one of the greatest advocates for senior citizens and prescription drugs and helping his constituents. I don't think the city of Detroit had a better ambassador—a man who always had a great smile. No ambassador promoted the city of Detroit like Raymond Hood. He was rather a large gentlemen, but he always had a smile. I don't care what type of legislation you were working on or what the mood of the Capitol was here, Ray Hood always had a smile and tried to cheer up everyone.

After he left the Legislature in 1982, he served as a deputy director under the Blanchard administration. I want to say that I remember Ray Hood like Senator Johnson said earlier: He was a man of dedication and distinction. One of the true treasures that I'll say that I had here in serving in my tenure in the Senate was working with such a leader, a family man, and a friend like Ray Hood.

I'm sure that his wife Helen and his sons Raymond and Roger and his five grandchildren are going to deeply miss him. It was a beautiful celebration they had. In fact, it was the Saturday before Easter at Scared Heart Church in Detroit. There were so many glowing attributes to this man because he deserved it, Mr. President. He was really, really a great legislator and a great family man. I think during all the time here, we tend to forget once you leave service here, but his public service will be remembered by many people in Detroit, and most especially what a great family man he was to his children and a husband to his wife.

And I just want to say that during this Easter recess, it was really sad to attend this because Ray Hood brought smiles to a lot of people here, and his work will be remembered in the Michigan Legislature for years to come.

Senator Garcia's statement is as follows:

I rise just to say that had I been here earlier this morning, I would have voted for both Senate Bill No. 1206 and House Bill No. 5576. Part of the reason for my delay in being here was because I was touring Howell High School, which unfortunately had an arson attack on Monday morning. Fortunately, they have caught the perpetrator who unfortunately needs some help. The school is back in operation today, and I am pleased to announce that.

Senator Young's statement is as follows:

Yesterday during session time, I was not here due to the fact that I was back in the district giving a speech to young adults with disabilities. Had I been here, however, I would have voted "yes" on Senate Bill No. 1006 as well as "yes" on House Bill No. 5335.

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senator Garcia introduced

**Senate Bill No. 1221, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 302 (MCL 32.702).

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

**House Bill No. 5665, entitled**

A bill to amend 1919 PA 71, entitled "An act to provide for the formulation and establishment of a uniform system of accounting and reporting in the several departments, offices, and institutions of the state government, and in all county offices; to provide for the examination of the books and accounts of each state department, office, and institution, and of each county office; to provide for financial reports from all such departments, institutions, and offices, and for the tabulation and publication of comparative financial statistics relating thereto; to provide for the administration of this act; to provide for the powers and duties of the department of treasury, the auditor general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties; and to provide for meeting the expense authorized by this act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 (MCL 21.41, 21.42, 21.43, 21.44, 21.45, 21.46, 21.47, 21.48, 21.49, 21.50, 21.51, and 21.52), the title as amended by 1996 PA 426, section 5 as amended by 1993 PA 196, and sections 11 and 12 as amended by 1985 PA 48; and to repeal acts and parts of acts.

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

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

**House Bill No. 5680, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 5, 6, and 7 (MCL 331.5, 331.6, and 331.7), section 5 as amended by 1984 PA 17 and section 7 as amended by 1983 PA 78.

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 Health Policy.

**House Bill No. 5711, entitled**

A bill to amend 1915 PA 59, entitled "An act to provide for the construction, improvement and maintenance of highways; for the levying, spreading and collecting of taxes and of special assessments therefor; to authorize the borrowing of money and the issuance of bonds under certain restrictions, regulations and limitations; to prescribe the powers and duties of certain officers with reference thereto; and to validate certain proceedings heretofore taken," by amending sections 34, 35, and 67 (MCL 247.434, 247.435, and 247.467).

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 Government Operations.

**House Bill No. 5712, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 35 (MCL 259.35).

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 Government Operations.

**House Bill No. 5742, entitled**

A bill to amend 1921 PA 302, entitled "An act to provide for the supervision of private, denominational and parochial schools; to provide the manner of securing funds in payment of the expense of such supervision; to provide the qualifications of the teachers in such schools; and to provide for the endorsement of the provisions hereof," by amending section 1 (MCL 388.551).

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 Government Operations.

**House Bill No. 5750, entitled**

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending section 4a (MCL 290.644a), as amended by 2002 PA 13.

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 Farming, Agribusiness and Food Systems.

**House Bill No. 5752, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by repealing sections 712 and 713 (MCL 257.712 and 257.713).

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 Transportation and Tourism.

**House Bill No. 5754, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by repealing part 51 (MCL 324.5101 to 324.5103).

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 Natural Resources and Environmental Affairs.

**House Bill No. 5755, entitled**

A bill to repeal 1927 PA 98, entitled "An act authorizing the state highway commissioner of the state of Michigan to enter into an agreement with the Wisconsin state highway commission to construct an interstate bridge project extending from approximately the intersection of Ogden avenue and Chandler street in the city of Menominee, Michigan, in a straight line terminating at the approximate center of Dunlap square in the city of Marinette, Wisconsin, and to provide for the cost and expense thereof," (MCL 254.121 to 254.123).

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 Transportation and Tourism.

**Committee Reports**

The Committee on Finance reported

**Senate Bill No. 1204, entitled**

A bill to amend 1951 PA 77, entitled "An act providing for the specific taxation of low grade iron ore, of low grade iron ore mining property, and of rights to minerals in lands containing low grade iron ores; to provide for the collection and distribution of the specific tax; to make an appropriation; and to prescribe the powers and duties of the state geologist and township supervisors and treasurers with respect to the specific tax," by amending sections 3 and 4 (MCL 211.623 and 211.624), section 4 as amended by 1994 PA 367.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

### COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, April 9, 2002, at 1:02 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

### COMMITTEE ATTENDANCE REPORT

The Subcommittee on General Government submitted the following:

Meeting held on Tuesday, April 9, 2002, at 1:15 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Schwarz (C) and Johnson

Excused: Young

### COMMITTEE ATTENDANCE REPORT

The Conference Committee on Home Solicitation Sales Do Not Call Register (HB 4042) submitted the following:

Meeting held on Wednesday, April 10, 2002, at 9:00 a.m., Room 424, Capitol Building

Present: Senators Emmons, Steil and Cherry

### Scheduled Meetings

#### Appropriations -

##### Subcommittees -

**Agriculture** - Wednesdays, April 17, April 24 and May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Career Development Strategic Fund Agency** - Wednesdays, April 17 and April 24, 1:00 p.m., Room 100, Farnum Building (373-2523)

**Consumer and Industry Services and History, Arts, and Libraries, Joint** - Tuesdays, April 23 and April 30, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

**Family Independence Agency** - Tuesday, April 23, 1:00 p.m., Room 210, Farnum Building; and Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

**General Government** - Tuesdays, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Judiciary** - Wednesdays, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

**School Aid and Department of Education and Education Committee, Joint** - Tuesday, April 16, 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1635)

**State Police and Military Affairs** - Thursdays, April 11, April 18, April 25 and May 2, 8:30 a.m., Room 110, Farnum Building (373-2426)

**Transportation** - Friday, April 19, 12:00 noon, St. James Township Hall, 37735 Michigan Avenue, Beaver Island; Monday, April 22, 10:00 a.m., Saginaw Township Offices, Board Meeting Room, 4980 Shattuck Road, Saginaw; Friday, April 26, 9:30 a.m., City/County Building Auditorium, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit; and Wednesday, May 1, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2426)

**Banking and Financial Institutions** - Thursday, April 11, 9:00 a.m., Room 210, Farnum Building (373-2420)

#### Conference Committee -

**School Aid (SB 1107)** - Thursday, April 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

**Education and School Aid and Department of Education Appropriations Subcommittee, Joint** - Tuesday, April 16, 1:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-7350)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 10:52 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, April 11, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

