

No. 54
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, June 13, 2001.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator John J.H. Schwarz.

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—excused
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present

Peters—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 Dale L. Shugars of the 21st District offered the following invocation:

O Father, Creator of all things—Heaven and earth—please be with us during these last few session days as we wrestle with the state budgets. We ask that You give us wisdom and guidance in making our decisions for running our government.

For those persons who are having health issues, please provide healing for them. For those persons who are having relationship difficulties, please comfort them. For those persons who are experiencing the loss of a loved one, please give them peace.

Father, let us be mindful that as Father's Day is approaching us on Sunday, let us know what love is to our fathers. Let us know what respect is for our fathers. And above all, Father, please help us be better fathers and husbands. Being a father is a very responsible position, so please give us strength for being a good role model for our children and being there when they need us.

Father, above all, let us be mindful of Jesus Christ. In Your name we pray. Amen.

Senator Smith entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senators Bullard, DeGrow, Dunaskiss, Garcia, Gast, Gougeon, McCotter and North be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senators Leland, North, Schuette and Gast entered the Senate Chamber.

The following communication was received and read:
Office of the Senate Majority Leader

June 12, 2001

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the conference committee on Senate Joint Resolution D.

Senator McCotter (Chair)
Senator Sikkema
Senator Leland

Sincerely,
Dan L. DeGrow
Senator Majority Leader

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

June 11, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of West Shore Community College, June, 2001.

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

The communication was referred to the Secretary for the record.

The Secretary announced that the following House bill was received in the Senate and filed on Tuesday, June 12:
House Bill No. 4673

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Gougeon admittance to the Senate floor, including the center aisle.

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

Senator Emmons 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 Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:06 a.m.

10:16 a.m.

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

Senator Goschka introduced to the Senate the Saginaw Township Heritage High School Boys Track Team, Division I State Champions, and presented them with a special tribute.
Head Coach Rastello and team member Mr. Jibowu responded briefly.

During the recess, Senators Dunaskiss, Gougeon, DeGrow, Bullard and Garcia entered the Senate Chamber.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:17 a.m.

10:39 a.m.

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

Messages from the Governor

The following messages from the Governor were received:

Date: June 11, 2001
Time: 3:12 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 75 (Public Act No. 19), being

An act to amend 1927 PA 175, entitled “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,” by amending section 161 of chapter XVII (MCL 777.161), as amended by 2000 PA 279.
(Filed with the Secretary of State on June 12, 2001, at 9:46 a.m)

Date: June 11, 2001
Time: 3:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 74 (Public Act No. 20), being

An act to amend 1927 PA 175, entitled “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,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2001 PA 2.

(Filed with the Secretary of State on June 12, 2001, at 9:48 a.m.)

Date: June 11, 2001
Time: 3:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 73 (Public Act No. 21), being

An act to amend 1931 PA 328, entitled “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,” (MCL 750.1 to 750.568) by adding section 217e.

(Filed with the Secretary of State on June 12, 2001, at 9:50 a.m.)

Date: June 11, 2001
Time: 3:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 72 (Public Act No. 22), being

An act to amend 1931 PA 328, entitled “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,” (MCL 750.1 to 750.568) by adding section 81c.

(Filed with the Secretary of State on June 12, 2001, at 9:52 a.m.)

Respectfully,
John Engler
Governor

Senator McCotter entered the Senate Chamber.

Messages from the House

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

Senate Bill No. 283

Senate Bill No. 232

Senate Bill No. 233

Senate Bill No. 234

Senate Bill No. 235

Senate Bill No. 239

The motion prevailed.

Senate Bill No. 350, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act,” by amending section 26a (MCL 287.726a), as added by 2000 PA 323; and to repeal acts and parts of acts.

Substitute (H-2).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 184

Yeas—34

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—2

Dunaskiss

Hoffman

In The Chair: Schwarz

Senator Emmons moved that Senators Dunaskiss and Hoffman be excused from the balance of today’s session.
The motion prevailed.

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. 29, entitled

A bill relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to

impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; to prescribe penalties; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 185

Yeas—34

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

Nays—0

Excused—3

Dunaskiss	Hoffman	Vaughn
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Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the Committee on Judiciary be discharged from further consideration of the following bill:

House Bill No. 4612, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific

dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

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

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 pro tempore, Senator Schwarz, designated Senator Stille as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendment, the following bill:

Senate Bill No. 462, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 4 (MCL 38.1304), as amended by 1997 PA 143, and by adding section 92.

The following are the amendments recommended by the Committee of the Whole:

1. Amend page 5, line 6, after “SYSTEM” by striking out “SHALL” and inserting “MAY”.
2. Amend page 5, line 14, after “SYSTEM” by striking out “SHALL” and inserting “MAY”.

The Senate agreed to the amendments recommended by the Committee of the Whole, and the bill as amended 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:

House Bill No. 4789, entitled

A bill to amend 1980 PA 300, entitled “The public school employees retirement act of 1979,” by amending section 61 (MCL 38.1361), as amended by 1999 PA 68.

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:

House Bill No. 4610, entitled

A bill to amend 1990 PA 250, entitled “DNA identification profiling system act,” by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 1996 PA 508 and section 6 as amended by 2000 PA 30, and by adding section 3a.

Substitute (S-3).

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:

House Bill No. 4611, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 18k of chapter XIIA (MCL 712A.18k), as amended by 1998 PA 478.

Substitute (S-4).

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:

House Bill No. 4612, entitled

A bill to amend 1953 PA 232, entitled “An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and

vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

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.

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

House Bill No. 4613, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

Substitute (S-4).

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:

House Bill No. 4633, entitled

A bill to amend 1974 PA 150, entitled “Youth rehabilitation services act,” by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

Substitute (S-3).

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

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

Senate Bill No. 513, entitled

A bill to designate the overpass located at the intersection of highway I-75 and highway M-57 as the “Bernie Borden Memorial Overpass”; and to prescribe the duties of the state transportation department.

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. 186

Yeas—34

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the enrollment be vacated on the following bill:

Senate Bill No. 29

The motion prevailed.

The bill was placed on the order of Messages from the House.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 29, entitled**

A bill relative to the borrowing of money and the issuance of certain debt and securities; to provide for tax levies and sinking funds; to prescribe powers and duties of certain departments, state agencies, officials, and employees; to impose certain duties, requirements, and filing fees upon political subdivisions of this state; to authorize the issuance of certain debt and securities; to prescribe penalties; and to repeal acts and parts of acts.

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 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

Resolutions

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

Senate Resolution No. 80**Senate Resolution No. 81****Senate Resolution No. 82**

The resolution consent calendar was adopted.

Senator Young offered the following resolution:

Senate Resolution No. 80.

A resolution to recognize the 19th Annual Metro Detroit Youth Day.

Whereas, The 19th Annual Metro Detroit Youth Day will be held on July 11, 2001, at Belle Isle's athletic field in Detroit. This special event is sponsored by the Detroit newspapers, WDIV-TV4, Michigan Food and Beverage Association, Pepsi-Cola Company, Detroit Recreation Department, Detroit Edison, Compuware, General Motors Corp., Spartan Stores, Inc., Philip Morris USA, Blue Cross-Blue Shield/Blue Care Network, K-Mart Corp., Ameritech, Volkswagon, Kroger Food Stores, Detroit Lions, Big Boy Restaurants, Comcast Cablevision, Fairlane Town Center, WWJ Newsradio 950, Sibley Shoes, Bank One, many other sponsors including food and beverage firms, and over 120 community and youth organizations who recognize that leisure and recreation are basic human needs and youth must use this time to improve the quality of their life and life's disciplines; and

Whereas, Metro Detroit Youth Day emphasizes the need for physical education facilities and fitness with the need for good sportsmanship; and

Whereas, It is acknowledged that our youth are a valuable asset to our communities and the foundation of our future; and

Whereas, Metro Detroit Youth Day is intended to bring together the community and the private sector to enhance relationships and improve cooperation and harmony in our communities; and

Whereas, This event also provides an opportunity for youth to participate in constructive activities outside their immediate home areas, working with other youngsters and numerous volunteers; and

Whereas, Community groups such as New Detroit, Inc., NAACP, Detroit Urban League, Salvation Army, Boys and Girls Clubs, Boy Scouts, Girl Scouts, YMCA, YWCA, Focus:HOPE, United Way Community Services, Special Olympics, Detroit Police Cadets, and many others are participating as co-sponsors; and

Whereas, Outstanding and dedicated community leaders, including Ed Deeb of the Michigan Food and Beverage Association, Dr. Tom Moss of West Side Athletics, Keith Bennett of Starr Commonwealth Schools, Alberta Wilburn of the Detroit Recreation Department, Sergeant Curtis Perry of the Detroit Police Cadets, and Dr. Lynne Boyle of the Kiwanis Club, are co-chairing this event along with over 900 volunteers supervising the 20,000 youths who are expected to attend; now, therefore, be it

Resolved by the Senate, That we hereby recognize July 11, 2001, as the 19th Annual Metro Detroit Youth Day and acknowledge the positive contributions the private sector has made to our area youth and the community; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event in appreciation for their diligent community service and the high esteem we have for them.

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

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

Senate Resolution No. 81.

A resolution to memorialize the life of the Honorable Leona Loretta Lloyd.

Whereas, It is with a deep sense of loss and heartfelt sorrow that the members of the Michigan Senate, the citizens of our state, and the city of Detroit record the passing of the Honorable Leona Loretta Lloyd, judge of the 36th District Court of Detroit. Gone from among us is a remarkable, gifted woman. The highly esteemed judge of our state's largest city for seven years, Judge Lloyd was also one of the nation's most renowned leaders. Throughout her impressive life, she had a tremendous impact due to her penchant for hard work, tenacious and dynamic personality, and strong leadership, which she offered generously; and

Whereas, Like a comet sailing through the universe, Leona Loretta Lloyd left her imprint on all who came in contact with her. Whether they were students from her speech and English classes at Redford High School, recording artists, athletes, or defendants facing jail time in 36th District Court, Leona's influence as a teacher, entertainment attorney, and later as a judge helped thousands of young people find the right road in life; and

Whereas, While other politicians were building careers, Leona's seven-year stint as a judge was one of building bridges of opportunities for those people who found themselves tangled up in the legal system. The success of the 36th District Court Misdemeanor Morality Program and the Wayne County Sheriff's Juvenile Reality Tour Program were in part a result of Leona's hard work and her concern for the community. Leona was also a tireless fundraiser for the homeless, Charles Wright Museum of African American History, and babies born with HIV; and

Whereas, Leona Loretta Lloyd was born in Detroit on August 6, 1949, to Leon and Mattie Lloyd. She was three minutes older than her twin sister, Leonia Jannetta Lloyd. Leona attended Wayne State University, receiving degrees in education and law. Shortly after receiving her law degree, Leona worked as senior corporation counsel for the city of Detroit Law Department in the Appellate Division. This position provided the opportunity to litigate in all courts, including the United States Supreme Court. A few years later, Leona and her sister Leonia opened a law firm that specialized in the entertainment business. While they were successful in the entertainment profession, Leona and her sister heard a higher calling, and it was for public service; and

Whereas, That's where the sisters really made a difference in the community. It was Leonia who first entered the world of politics, getting elected to the 36th District Court. In 1994, it was Leona's turn to don the black robe of justice as well. They became the first African-American female twin judges in the country. "Twins for Justice" was their motto and creed. It wasn't just a phrase but a badge of honor; now, therefore, be it

Resolved by the Senate, That we pause in our deliberations to offer these words of gratitude and respect as a memorial for the good life of the Honorable Leona Loretta Lloyd, a legend in the truest sense of the word; and be it further

Resolved, That a copy of this resolution be transmitted to her sister Leonia and father Leon T. Lloyd and the 36th District Court for the city of Detroit as a reflection of the Michigan Senate's enduring esteem.

Senator Gougeon offered the following resolution:

Senate Resolution No. 82.

A resolution to honor Anthony W. Armstrong on the occasion of his retirement as President and CEO of Bay Health.

Whereas, Anthony Armstrong came to Bay Health, a private nonprofit holding company, from Bay Medical Center, which he joined in March 1985 as executive vice president and chief operating officer; and

Whereas, Tony started his health care career as a hospital emergency room corpsman with the United States Navy, later served as a medevac corpsman with the 1st Marine Air Wing in Vietnam, and then on independent duty at the Naval Reserve Training Center in Williamsport, Pennsylvania, ranked as hospital corpsman, 2nd class; and

Whereas, In June 1974, Mr. Armstrong received a Bachelor of Science degree, health planning and administration from Pennsylvania State University, College of Human Development, Biological Health Department; and

Whereas, Tony went to Des Moines, Iowa, to work for the Health Planning Council of Central Iowa until 1976, when he proceeded to the University of Oklahoma Health Sciences Center for a master's degree in public health and health administration, with an administrative internship at the Oklahoma Veterans Administration Hospital; and

Whereas, Tony Armstrong came to Saginaw, Michigan, in May 1977 as the health facilities planner for the East Central Michigan Health Systems Agency, advancing to assistant director, director of Planning and Data, and finally serving as president of the Hospital Council of East Central Michigan; and

Whereas, He served as field faculty member with the University of Minnesota's University Without Walls Program from January 1975 to March 1976 and as adjunct external degree faculty member with Ferris State University from 1982 to the present; and

Whereas, Mr. Armstrong is a fellow of the American College of Healthcare Executives and board member of the Michigan Health and Hospital Association, Voluntary Hospitals of America, Healthcare Alliance Pool, Regional Imaging Center Incorporated, Regional Dialysis Services, and Pardee Cancer Committee of Bay County; and

Whereas, Tony has also served his community as a board member of the Bay Arenac Community High School, Bay Area Chamber of Commerce, Vision Tri-County, and Alliance for Bay County Schools, and member of the Rotary Club, Bay Area Convention and Tourism Board, and Immanuel Baptist Church; and

Whereas, Tony Armstrong shares his life with his wife Barb, son Travis, and daughter Alicia; now, therefore, be it

Resolved by the Senate, That we hereby honor Anthony W. Armstrong on the occasion of his retirement as president and CEO of Bay Health; and be it further

Resolved, That a copy of this resolution be transmitted to Anthony W. Armstrong as evidence of our respect and best wishes.

By unanimous consent the Senate proceeded to consideration of the following concurrent resolution:

Senate Concurrent Resolution No. 25.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Secondary Complex Warehouse.

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 187

Yeas—34

Bennett
Bullard
Byrum
Cherry
DeBeaussiaert
DeGrow
Dingell
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Schuette
Schwarz

Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dunaskiss

Hoffman

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Resolution No. 78.

A resolution to memorialize the Congress of the United States to enact legislation to require secondary containment systems for oil and gas pipelines.

Whereas, While few people have much knowledge of this component of our infrastructure until there is a problem, pipelines transporting oil and gas to and across our state are important to virtually all segments of our population and economy. Although these are vital to many aspects of life and commerce, pipelines are also a potential threat to our citizens and our environment; and

Whereas, The rupture of a gas pipeline in the Jackson area in the summer of 2000 dramatized the vulnerability of our state. The accident illustrated the toll that can be taken on individual families, the water supply, and the economy. As our society increases its dependence on oil and gas and our population continues to spread across the land, the problems Michigan faced can surface virtually anywhere else in the country; and

Whereas, Unlike some elements of our infrastructure, deterioration of pipelines is more than an inconvenience. It represents a serious and immediate threat to health and safety. Every effort must be made to encourage and utilize the best technology to safeguard our citizens. Pipelines, which crisscross our nation over state boundaries, must be as safe as possible. The cost of safety measures can be swiftly exceeded by the costs to the environment, the displacement of people, and the expense of cleaning up spills and leaks; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to require secondary containment systems for oil and gas pipelines; 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 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 Technology and Energy.

The motion prevailed.

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

Senate Resolution No. 79.

A resolution to memorialize the Congress of the United States to enact legislation to encourage an increase in refinery capacity.

Whereas, A variety of factors have contributed to the current situation facing the American people—a rapid rise in the cost of fuel. The winter's problems with heating oil cost increases have given way to a summer spike in gasoline prices that represents a great concern for individual families and businesses; and

Whereas, While crude oil prices, steadily increasing demand over the years, requirements for different types of gasoline for different localities throughout the country, and certain accidents have all combined to increase costs, a major reason for the gasoline cost increases is the lack of adequate refining capacity across the country. In the past 25 years, as demand has grown, no new refineries have been built in the United States. During this same period, the process of making gasoline has become more complex in many cases due to new steps and additives that are required to comply with environmental standards; and

Whereas, Although the long-term keys to addressing America's energy needs include many strategies, there is an urgent need to increase refinery capacity. To meet this challenge and to avoid even more painful prices and shortages in the future, Congress should take all measures possible to encourage an increase in refinery capacity. The options to

explore should include both incentives for development and examining ways to streamline procedures and requirements where appropriate. Without congressional leadership, the problems facing the country could get far worse before they improve; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to encourage an increase in refinery capacity; 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 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 Technology and Energy.

The motion prevailed.

Senator Goschka was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Hammerstrom's statement is as follows:

On Monday of this week, students in one of my elementary schools attempted to break a *Guinness Book of World Records* record for the world's biggest hug. The secretary at that school and her daughter were reading the *Guinness Book of World Records* and saw that the present hug record was 899 people. They decided because of all the negative things out there about schools and violence, they wanted to show something positive. So they worked together with all the students in Milan, the police department, the local government officials, grandmas, grandpas—anybody they could—and had them come and participate in the hug.

Now to qualify for this, they must now send in a video of the hug, a picture of the completed circle, all the newspaper clippings available, and all the participants' signed forms to Guinness. It'll take about a month for Guinness to verify that this has happened, but on Monday, the unofficial count was somewhere between 1,200 and 1,300. I want to applaud the students at Milan Paddock Elementary School and wish them success in achieving this goal.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Peters and DeBeaussaert introduced

Senate Bill No. 536, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending section 7 (MCL 390.1477).

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

Senators North, McManus, Young, Steil, Sikkema, Koivisto, Stille, McCotter, Shugars, DeBeaussaert and Goschka introduced

Senate Bill No. 537, entitled

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

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

House Bill No. 4673, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to

create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending section 65 (MCL 791.265), as amended by 1998 PA 512.

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 Judiciary.

Scheduled Meetings

Education, Joint Senate and House - Thursday, June 14, 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 11:20 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 14, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.