

**No. 39**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2003**

---

---

Senate Chamber, Lansing, Wednesday, April 30, 2003.

10:00 a.m.

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

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

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

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

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

Senator Michael Bishop of the 12th District offered the following invocation:

Almighty and gracious God, Who calls the world into being and creates persons in Your own image, we praise and give thanks to You this day for the beauty and the bounty of this state; for the rich diversity of persons who are our neighbors; for the privilege and responsibility of our democracy; and for the specific opportunities and challenges which can confront this legislative session.

God, we lift up to You the need of each person gathered here today and those whose needs rest urgently upon their hearts. Administer unto us and to them as we silently express our heartfelt concerns.

Guide and inspire each of our thoughts, words, decisions, and actions that are in our public and private endeavors, so that we more nearly do justice, love kindness, and walk humbly with one another and with You. Amen.

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

### Motions and Communications

The following communication was received:  
Office of the State Budget

March 27, 2003

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 2001-2002, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total state spending from state sources paid to local governments for fiscal year 2001-2002 is 64.30%, which is 15.33% in excess of the minimum required 48.97%.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mary A. Lannoye  
State Budget Director

The communication was referred to the Secretary for the record.

The following communication was received:  
Office of the Auditor General

April 29, 2003

Enclosed is a copy of the following audit report and/or report summary:  
Financial Audit of the Michigan Education Trust, October 1, 2001 through September 30, 2002.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 29:  
**House Bill Nos. 4038 4077 4211**

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guest of Senator Jelinek admittance to the Senate floor, including the center aisle.

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

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

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

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 10:05 a.m.

10:21 a.m.

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

During the recess, Senator Jelinek introduced to the Senate Mary Pierce of St. Joseph, recipient of a double lung transplant and founder of the bicycle team for the American Lung Association, in commemoration of Donor Awareness Month and Lobby Day.

Ms. Pierce responded briefly.

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

The motion prevailed.

Senator Clarke's statement is as follows:

As I mentioned earlier, I don't have biological children, but there is a young lady whose name is Jada Durham. She is like a daughter to me. She helped me in the best way you could help a politician; she helped campaign for me. Last year, if you ever saw me in the community in the city of Detroit going door-to-door or at neighborhood events, and had a young teenage girl with me, that was Jada.

Two weeks ago, her liver failed, and she was in Jackson Memorial Hospital in Miami, Florida, where she received a liver transplant at 18 years old. Yesterday evening, I received news that she passed away, awaiting a second liver that, unfortunately, didn't arrive on time.

I am making this statement for everyone in the Gallery because this is something that just happened to me. I clearly understand that organ donations are truly a gift of life, and you can count on me as someone who beforehand had no concern about your issues. I understand how important it is, and I want to commend Mary Pierce for being an outstanding trooper. I'd like my remarks printed in honor of Jada Durham.

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

Senator Hammerstrom 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 Cherry, designated Senator Barcia as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 37, entitled**

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 16 (MCL 456.536), as amended by 1982 PA 132.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 15, after "(8)" by striking out the balance of the subsection and inserting "**As used in this section, "endowment care" means all general work necessary to keep the cemetery property in a presentable condition at all times, including, but not limited to, the cutting of grass at reasonable intervals; raking, cleaning, filling, seeding, and sodding of graves; replacement, pruning, or removal of shrubs and trees in order to assure access to interment rights; and the repair and maintenance of enclosures, buildings, drives, walks, and the various memorial gardens.**".

The Senate agreed to the substitute, as amended, 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. 38, entitled**

A bill to amend 1869 PA 12, entitled "An act to authorize and encourage the formation of corporations to establish rural cemeteries; to provide for the care and maintenance thereof; to provide for the revision and codification of the laws relating to cemeteries, mausoleums, crypts, vaults, crematoriums, and other means of disposing of the dead; to make an appropriation therefor; and to impose certain duties upon the department of commerce," by amending sections 7a and 15 (MCL 456.107a and 456.115).

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 4, line 7, after "(7)" by striking out the balance of the subsection and inserting "**As used in this section, "perpetual care" means all general work necessary to keep the cemetery property in a presentable condition at all times, including, but not limited to, the cutting of grass at reasonable intervals; raking, cleaning,**

**filling, seeding, and sodding of graves; replacement, pruning, or removal of shrubs and trees in order to assure access to interment rights; and the repair and maintenance of enclosures, buildings, drives, walks, and the various memorial gardens.”.**

The Senate agreed to the substitute, as amended, 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. 39, entitled**

A bill to amend 1855 PA 87, entitled “An act relative to burying grounds; and to impose certain duties upon the department of commerce,” by amending sections 35 and 35a (MCL 456.35 and 456.35a).

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 3, line 7, after “**(5)**” by striking out the balance of the subsection and inserting “**As used in this section, “endowment care” means all general work necessary to keep the cemetery property in a presentable condition at all times, including, but not limited to, the cutting of grass at reasonable intervals; raking, cleaning, filling, seeding, and sodding of graves; replacement, pruning, or removal of shrubs and trees in order to assure access to interment rights; and the repair and maintenance of enclosures, buildings, drives, walks, and the various memorial gardens.”.**”

The Senate agreed to the substitute, as amended, 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. 365, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 94a (MCL 388.1694a), as amended by 2002 PA 521.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 2, line 19, after “**districts**” by inserting “**as required under state or federal law**”.

The Senate agreed to the substitute, as amended, 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. 366, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1526 and 1526a (MCL 380.1526 and 380.1526a), section 1526 as amended by 1995 PA 289 and section 1526a as added by 1996 PA 159; and to repeal acts and parts of acts.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 1, line 6, after “teacher” by striking out “shall also receive” and inserting “**may participate in**”.

The Senate agreed to the substitute, as amended, 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. 364, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2002 PA 476.

Substitute (S-2).

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

1. Amend page 5, following line 14, by inserting:

“(5) A district shall not forfeit part of its state aid appropriation because it adopts or has in existence an alternative scheduling program for pupils in kindergarten if the program provides at least the number of hours required under subsection (3) for a full-time equated membership for a pupil in kindergarten as provided under section 6(4).” and renumbering the remaining subsections.

2. Amend page 8, line 6, after “subsection” by striking out “**(6)**” and inserting “**(7)**”.

The Senate agreed to the substitute, as amended, 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. 293, entitled**

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials," by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

Substitute (S-2).

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

1. Amend page 1, line 7, after "any" by inserting "**local**".  
 2. Amend page 2, line 1, after "**act.**" by inserting "**The director of the department of state police may authorize any other governmental public safety agency to utilize the Michigan public safety communications system including attaching public safety communications equipment to towers constructed under this act.**".

3. Amend page 2, following line 25, by inserting:

**"(6) For purposes of this section, local governmental public safety agency includes a Michigan Indian tribal police force that is part of an Indian tribe that has a valid gaming compact with the state of Michigan and is paying the state of Michigan 8% of its gross gaming proceeds."**

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

### Resolutions

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

**Senate Resolution No. 78**

**Senate Resolution No. 79**

The resolution consent calendar was adopted.

Senator Stamas offered the following resolution:

**Senate Resolution No. 78.**

A resolution recognizing and honoring the National Civilian Conservation Corps.

Whereas, The Civilian Conservation Corps, commonly known as the CCC, was an independent federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States. The CCC is also to be commended for its outstanding success in providing employment and training to thousands of Americans; and

Whereas, March 31, 2003, was the 70th anniversary of the signing by President Franklin D. Roosevelt of the law historically known as the Emergency Conservation Work Act, a precursor to the 1937 law that established the Civilian Conservation Corps; and

Whereas, Between 1933 and 1942, the CCC provided employment and vocational training in the conservation and development of natural resources, the protection of forests, and the construction and maintenance of military reservations to more than 3 million men, including unemployed youths, more than 250,000 veterans of the Spanish-American War and World War I, and more than 80,000 Native Americans; and

Whereas, The CCC coordinated a mobilization of men, material, and transportation on a scale never previously known during times of peace. It managed more than 4,500 camps in each of the then 48 states and Hawaii, Alaska, Puerto Rico, and the Virgin Islands; and

Whereas, The CCC left a legacy of natural resources and infrastructure improvements that included 3 billion new trees, 46,854 bridges, 3,980 restored historical structures, more than 800 state parks, 3,463 improved beaches, 405,037 signs, markers, and monuments, 8,045 wells and pump houses, and 63,256 other structures; and

Whereas, The benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in the District of Columbia, Bandelier National Monument in New Mexico, Great Smoky Mountains National Park in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi; and

Whereas, The CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, communication, and leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC; and

Whereas, The CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world concerning public conservation efforts; and

Whereas, The conservation of the nation's land, water, and natural resources is still an important goal of the American people; now, therefore, be it

Resolved by the Senate, That we accord praise and tribute to the National Civilian Conservation Corps, and in particular, those members from our great state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the National Association of Civilian Conservation Corps Alumni as evidence of our support for their efforts.

Senators Jelinek, Bernero, Kuipers, Birkholz, Cassis, Toy, Cherry, Thomas, Goschka, Olshove, Scott, Jacobs, Cropsey, Bishop, Clarke and Garcia were named co-sponsors of the resolution.

Senator Stamas offered the following resolution:

**Senate Resolution No. 79.**

A resolution declaring September 21 as Myositis Awareness Day in Michigan.

Whereas, Myositis is a rare chronic and degenerative disease causing persistent muscle inflammation and generally results in muscle weakness and the degeneration of skeletal muscle tissues over the course of several weeks, months, or years; and

Whereas, There are four forms of myositis, or inflammatory myopathies, which include dermatomyositis, polymyositis, inclusion body myositis, and juvenile dermatomyositis; and

Whereas, Early warning signs of myositis include increased difficulty in rising from a seated position or raising one's arms, excessive fatigue after walking or standing, and difficulty in swallowing or breathing; and

Whereas, There are currently approximately 30,000 diagnosed cases of myositis in the United States, with approximately 240 myositis patients diagnosed in Michigan. Although there is no known cure for myositis, early diagnosis and treatment are important with all forms of this disease; and

Whereas, The Myositis Association is committed to helping enhance the quality of life for individuals who are affected by inflammatory myopathies by acting as a resource for patients and doctors and by promoting research into the causes and treatments of the various forms of myositis; now, therefore, be it

Resolved by the Senate, That the members of this legislative body call upon the citizens of Michigan to recognize September 21 every year as Myositis Awareness Day; and it be further

Resolved, That a copy of this resolution be transmitted to The Myositis Association as evidence of our support for their efforts.

Senators Bernero, Kuipers, Birkholz, Cassis, Toy, Cherry, Thomas, Goschka, Olshove, Scott, Jacobs, Cropsey, Bishop, Clarke and Garcia were named co-sponsors of the resolution.

Senators Bishop and Johnson offered the following resolution:

**Senate Resolution No. 76.**

A resolution to urge the governor to support disaster relief for Oakland County communities stricken by ice storms in early April 2003.

Whereas, Over the first part of April, unseasonably fierce ice storms hit several communities in Oakland County. The extent of the damage was remarkable, with widespread power outages and large numbers of downed trees and other debris. According to DTE Energy reports, the damage from the ice storms was more severe than any since 1976; and

Whereas, At the peak of its fury, the storm, which killed 3 people, left more than 400,000 without power. For approximately 60,000 people, electricity was out for up to 12 days. Estimates of the financial losses from the storms range as high as \$40 million. The magnitude of the clean-up efforts was such that crews from Ohio, Indiana, Illinois, Kentucky, Missouri, West Virginia, and Wisconsin were needed to restore power and clear trees; and

Whereas, Local communities have been frustrated to date in their efforts to obtain disaster relief. Without additional funding, these communities, which already are in serious financial difficulty, will face severe problems in the months ahead. Clearly, efforts to provide public safety and essential services in the months to come may be threatened as a result of the significant storm losses incurred; now, therefore, be it

Resolved by the Senate, That we urge the governor to support disaster relief for Oakland County communities stricken by ice storms in early April 2003; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The resolution was adopted.

Senators Jelinek, Kuipers, Birkholz, Cassis, Toy, Cherry, Goschka, Jacobs, Cropsey, Clarke and Garcia were named co-sponsors of the resolution.

Senators Cropsey, Barcia, Garcia, Hardiman, Jelinek and Sanborn offered the following resolution:

**Senate Resolution No. 77.**

A resolution to express solidarity with Israel in its fight against terrorism.

Whereas, The ongoing threat of terrorism since September 11, 2001, has hurt the economies of Michigan and the United States, damaging tourism and travel among the states and creating a negative economic atmosphere hurting business and producing job losses; and

Whereas, The ongoing threat of worldwide terrorism at home and abroad has forced local, state, and federal resources in the United States to be diverted from other critical domestic programs for the purpose of enhancing the security of our citizens; and

Whereas, The United States and Israel are now engaged in a common struggle against terrorism and are on the front lines of a conflict thrust upon them against their will;

Whereas, Hundreds of innocent Israelis and Palestinians have died tragically in violence since September 2000; and

Whereas, Palestinian organizations are engaging in an organized, systematic, and deliberate campaign of terror aimed at inflicting as many casualties as possible on the Israeli population, including through the use of suicide terrorist attacks; and

Whereas, Israel has lost nearly 700 innocent lives, which as a percentage of population is commensurate with America losing over 30,000 lives in the terrorist attacks on New York and Washington on September 11, 2001; and

Whereas, Yasser Arafat and members of the Palestinian leadership have failed to abide by their commitments to nonviolence made in the Israel-PLO Declaration of Principles (the Oslo Accord) of September 1993, including their pledges (1) to adhere strictly to “a peaceful resolution of the conflict,” (2) to resolve “all outstanding issues relating to permanent status through negotiations,” (3) to renounce “the use of terrorism and other acts of violence,” and (4) to “assume responsibility over all PLO elements and personnel in order to assure their compliance [with the commitment to nonviolence], prevent violence, and discipline violators”; and

Whereas, The continued terrorism and incitement committed, supported, and coordinated by official arms of the Palestinian Authority are a direct violation of these commitments; and

Whereas, Forces directly under Yasser Arafat’s control—particularly, the al-Aqsa Martyrs Brigades, which are part of Arafat’s Fatah organization and has been designated a “Foreign Terrorist Organization” by the United States government—have murdered scores of innocent Israelis; and

Whereas, Yasser Arafat was directly involved in the Palestinian Authority’s thwarted attempt to obtain 50 tons of offensive weapons shipped from Iran in the Karine-A, an effort that irrefutably proved Arafat’s embrace of the use and escalation of violence; and

Whereas, Documents from the offices of the Palestinian Authority demonstrate the crucial financial support the Palestinian Authority continues to provide for terrorist acts, including suicide bombers; and

Whereas, The ongoing violence has hurt the economies of both Israel and the Palestinian territories; damaging tourism in both regions, thereby creating a negative economic atmosphere hurting business and producing job losses; and

Whereas, President George W. Bush declared at a joint session of Congress on September 20, 2001, that “[f]rom this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime”; and

Whereas, President Bush recently stated that he “fully understands Israel’s need to defend herself” and that he “respect(s)” the fact that Israelis have “seen a wave of suicide bombers coming to the heart of their cities and killing innocent people”; and

Whereas, President Bush, in his speech of April 4, 2002, stated that “the situation in which he [Arafat] finds himself today is largely of his own making”; that Arafat “missed his opportunities, and thereby betrayed the hopes of the people he’s supposed to lead”; and that, “[g]iven his [Arafat’s] failure, the Israeli government feels it must strike at terrorist networks that are killing its citizens”; and

Whereas, Israel’s military operations are an effort to defend itself against the unspeakable horrors of ongoing terrorism and are aimed only at dismantling the terrorist infrastructure in the Palestinian areas, an obligation Arafat himself undertook but failed to carry out; and

Whereas, Israel has made clear its intention to withdraw from Palestinian areas and has already begun to do so; now, therefore, be it

Resolved by the Senate, That we:

(1) stand in solidarity with Israel as it takes necessary steps to provide security to its people by dismantling the terrorist infrastructure in the Palestinian areas;

(2) remain committed to Israel’s right to self-defense and support additional United States assistance to help Israel defend itself;

(3) condemn Palestinian suicide bombings;

(4) condemn the ongoing support and coordination of terror by Yasser Arafat and other members of the Palestinian leadership;

(5) demand that the Palestinian Authority at last fulfill its commitment to dismantle the terrorist infrastructure in the Palestinian areas, including any such infrastructure associated with PLO and Palestinian Authority entities tied directly to Yasser Arafat;

(6) express our grave concerns that Arafat’s actions are not those of a viable partner for peace;

(7) urge all Arab states to declare their unqualified opposition to all forms of terrorism, particularly suicide bombing;

(8) encourage the President to continue his leadership in addressing the Israeli-Palestinian conflict, particularly the

efforts of the Administration to engage countries throughout the region to condemn and prevent terrorism and to prevent a widening of the conflict;

(9) urge all parties in the region to pursue vigorously efforts to establish a just, lasting, and comprehensive peace in the Middle East; and

(10) will work to promote tourism, economic trade, and cultural exchange with the state of Israel; keeping relations healthy now and into the future for the benefit of Michigan and Israel; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of State for transmittal to Israel's ambassador to the United States.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Birkholz, Goschka and Bishop were named co-sponsors of the resolution.

Senators Garcia, Cropsey, Patterson, Sanborn, Hammerstrom, Sikkema, Kuipers, Johnson, Jelinek, Birkholz, Bishop, Allen, Gilbert, George, Hardiman, Goschka, Van Woerkom, Stamas, McManus, Cassis, Toy and Brown offered the following concurrent resolution:

**Senate Concurrent Resolution No. 23.**

A concurrent resolution to urge Michigan's United States Senators to support and to memorialize the United States Senate to confirm the nomination of Miguel Estrada to the United States Court of Appeals.

Whereas, On May 9, 2001, President Bush nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals for the District of Columbia Circuit; and

Whereas, Mr. Estrada's credentials go uncontested, beginning with his mastery of the English language and American culture since coming to the United States as an immigrant from Honduras, and his graduation magna cum laude from Columbia University and Harvard Law School; and

Whereas, Mr. Estrada has received support from liberal and conservative colleagues alike who attest that he is one of the most brilliant and effective appellate lawyers in the country; and

Whereas, Organizations that support Mr. Estrada include the League of United Latin American Citizens, the United States Hispanic Chamber of Commerce, the Hispanic National Bar Association, the Hispanic Business Roundtable, and the Latino Coalition; and

Whereas, Mr. Estrada would be the first Hispanic in the country to sit on the United States Court of Appeals District of Columbia Circuit—an important and prestigious position within the nation's judicial system; and

Whereas, The Senate Judiciary Committee has issued a favorable report to the United States Senate on the nomination, yet, because a minority of Senators are conducting a filibuster to prevent a Senate floor vote, more than a year and one-half has passed without a vote on the Senate floor; and

Whereas, Michigan, in contrast, has speedily confirmed the Governor's cabinet appointments and has worked in a spirit of cooperation; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge Michigan's United States Senators to support and the United States Senate to confirm the nomination of Miguel Estrada to the United States Court of Appeals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate and to Michigan's United States Senators.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Judiciary.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.



Senator Stamas' statement is as follows:

I rise today to remember a soldier from the 36th District who lost his life on April 14 during Operation Iraqi Freedom. On that day, Army Specialist Richard A. Goward, a member of the 1460th Transportation Company in the Michigan Army National Guard, was involved in an accident when his truck collided with another vehicle in Iraq.

Army Spc. Goward, who graduated from Merrill High School in 1989, served our country in active duty from 1990 to 1996 in the Army. As a sign of his dedication to his country, he rejoined the National Guard after the September 11, 2001, terrorist attacks. This decision of his to rejoin did not surprise his friends and family. In fact, when he made this decision, he told his wife Karen, "If I can't protect my family, then who can?" For this attitude and this commitment, he should be praised and commended.

Army Spc. Goward, who was 32, worked as a corrections officer at the St. Louis prison, again, displaying his commitment to protecting his family and community. He will be sorely missed by his co-workers there.

Richard Goward left behind not only his wife Karen, but his two young daughters, Nicole and Tessa. Our hope is that as they grow older, his two daughters will know the gratitude of the entire country for the sacrifice their father made on our behalf. And may they know that their father believed in what he was fighting for—family and country. May his entire family find solace in knowing these things and that Richard Goward will never be forgotten.

By unanimous consent the Senate returned to the order of

### **Introduction and Referral of Bills**

Senators Bishop, Jacobs, Cropsey, Thomas and Leland introduced

#### **Senate Bill No. 425, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349) by adding section 30i.

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

Senators Bernero, Jelinek, Switalski, Cassis, Clarke, McManus, George, Clark-Coleman, Schauer, Goschka, Olshove, Jacobs, Brater and Leland introduced

#### **Senate Bill No. 426, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1271.

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

Senator Barcia introduced

#### **Senate Bill No. 427, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 84 (MCL 38.1384), as amended by 1989 PA 194.

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

Senator Switalski introduced

#### **Senate Bill No. 428, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 1998 PA 351.

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

Senators Patterson, Barcia, Garcia, Gilbert, Birkholz and McManus introduced

#### **Senate Bill No. 429, entitled**

A bill to amend 1961 PA 120, entitled "An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects," by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

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

**House Bill No. 4038, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531d. 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. 4077, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1204 (MCL 339.1204), as amended by 1997 PA 97.

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 Economic Development, Small Business and Regulatory Reform.

**House Bill No. 4211, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2000 PA 210.

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 Finance.

### Committee Reports

The Committee on Government Operations reported

**Senate Bill No. 397, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 613a (MCL 168.613a), as amended by 1999 PA 72.

With the recommendation that the bill pass.

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

Ken Sikkema  
Chairperson

To Report Out:

Yeas: Senators Sikkema, Hammerstrom, Allen, Cassis, Jacobs and Thomas

Nays: None

The bill was referred to the Committee of the Whole.

### COMMITTEE ATTENDANCE REPORT

The Committee on Government Operations submitted the following:

Meeting held on Tuesday, April 29, 2003, at 1:05 p.m., Room 100, Farnum Building

Present: Senators Sikkema (C), Hammerstrom, Allen, Cassis, Jacobs and Thomas

Excused: Senator Emerson

The Committee on Transportation reported

**House Bill No. 4086, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 255 (MCL 257.255), as amended by 1987 PA 34.

With the recommendation that the bill pass.

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

Jud Gilbert  
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers and Basham

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:  
 Meeting held on Tuesday, April 29, 2003, at 1:00 p.m., Room 110, Farnum Building  
 Present: Senators Gilbert (C), Kuipers, Leland and Basham  
 Excused: Senator Goschka

The Committee on Judiciary reported  
**House Bill No. 4078, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8251 (MCL 600.8251), as amended by 1994 PA 5.

With the recommendation that the bill pass.

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

Alan L. Cropsey  
 Chairperson

To Report Out:

Yeas: Senators Cropsey, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**Senate Bill No. 395, entitled**

A bill to define legal birth and the commencing of legal personhood and rights; and to provide immunity for certain acts.

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.

Alan L. Cropsey  
 Chairperson

To Report Out:

Yeas: Senators Cropsey (C), Bishop, Sanborn and Patterson

Nays: Senators Schauer, Bernero and Brater

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:  
 Meeting held on Tuesday, April 29, 2003, at 11:00 a.m., Room 210, Farnum Building  
 Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

## COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:  
 Joint meeting held on Wednesday, April 30, 2003, at 8:30 a. m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower)  
 Present: Senators Birkholz (C), Van Woerkom, Brater and Basham  
 Excused: Senator Patterson

**Scheduled Meetings**

**Agriculture, Forestry and Tourism** - Thursday, May 1, 8:30 a.m., Room 110, Farnum Building (373-1635)

**Appropriations** - Thursday, May 1, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

**Subcommittees -**

**Community Health Department** - Tuesdays, May 6 and May 13, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7946)

**Environmental Quality Department** - Wednesdays, May 14, May 21, May 28, and June 4, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**K-12, School Aid, Education** - Thursdays, May 1, 8:30 a.m. and May 15, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower), and May 8, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Judiciary and Corrections** - Tuesdays, May 6, May 13, May 20, and May 27, 3:00 p.m., Room 210, Farnum Building (373-3760)

**Natural Resources Department** - Tuesdays, May 13, May 20, May 27, and June 3, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Banking and Financial Institutions** - Thursday, May 1, 1:00 p.m., Room 100, Farnum Building (373-2417)

**Business Competitiveness Joint Select Committee (SCR 3)** - Monday, May 5, 10:30 a.m., DENSO Manufacturing Michigan, Inc., One Denso Road, Battle Creek (373-7670)

**Education** - Thursday, May 1, 2:00 p.m., Room 210, Farnum Building (373-6920)

**Natural Resources and Environmental Affairs, Natural Resources Department Appropriations Subcommittee, and Environmental Quality Department Appropriations Subcommittee** - Thursday, May 8, 11:30 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

**Transportation** - Monday, May 5, 7:00 p.m., Oakland County Commissioners Auditorium, 1200 N. Telegraph Road, Pontiac (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 11:22 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, May 1, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate