

**No. 5**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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Senate Chamber, Lansing, Thursday, January 22, 2004.

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—excused  
Toy—present  
Van Woerkom—present

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:  
 Before we begin our session this morning, let's reflect upon the words spoken by Mother Theresa.  
 "People are often unreasonable and self-centered;  
 Forgive them anyway.  
 If you are kind, people may accuse you of ulterior motives;  
 Be kind anyway.  
 If you are honest, people may cheat you;  
 Be honest anyway.  
 If you find happiness, people may be jealous;  
 Be happy anyway.  
 The good you do today may be forgotten tomorrow;  
 But do good anyway.  
 Give the world the best you have, it may never be enough;  
 But give your best anyway."  
 Amen.

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

### Motions and Communications

Senator Schauer moved that Senator Thomas be excused from today's session.  
 The motion prevailed.

Senator Hammerstrom moved that Senator Garcia 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 Wednesday, January 21:  
**House Bill Nos. 4335 4336**

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, January 21, and are available at the legislative Web site:

**Senate Bill Nos. 920 921**  
**House Bill Nos. 5406 5407 5408 5409 5410**  
**House Joint Resolution T**

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

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

**Senate Bill No. 506**  
**Senate Bill No. 557**  
**Senate Bill No. 806**  
**Senate Bill No. 502**  
 The motion prevailed.

The House of Representatives requested the return of  
**House Bill No. 4236, entitled**

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide

for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16131, 16186, and 16263 (MCL 333.16131, 333.16186, and 333.16263), sections 16131 and 16263 as amended by 2001 PA 139 and section 16186 as amended by 2002 PA 643, and by adding section 16344 and part 187.

Senator Hammerstrom moved that the request of the House be granted.

The motion prevailed.

Senator Garcia entered the Senate Chamber.

### **Senate Bill No. 334, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 1999 PA 54.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect. Pursuant to rule 3.202, the bill was laid over one day.

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 Scott 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:

### **House Bill No. 4340, 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 2001 PA 30.

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.

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

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

The motion prevailed.

Senator Sikkema's statement is as follows:

I want to interrupt our proceedings with a very heavy heart. I recently learned within the last couple of days of the passing of a very long-time Senate employee, in fact, who was employed at the Michigan Department of Natural Resources, and that is Guy Gordon, who many of the people in this chamber—both members and staff—I think, knew quite well. He passed away this weekend and left a family. I think, given his tenure here in this body and his service to the state of Michigan, I would move that we stand for a brief moment of silence in the memory of Guy Gordon.

A moment of silence was observed in memory of former Senate employee Guy Gordon.

The President of the Senate made a statement and requested that it be printed in the Journal.

The President's statement is as follows:

I plead the prerogative of the Chair to note that in my tenure in the Senate, Guy Gordon did an outstanding job on behalf of the institution, and it certainly is a sad event, a sad occurrence, and we all wish his family the best.

The following bill was read a third time:

**Senate Bill No. 753, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

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. 11**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Hardiman’s statement is as follows:

I rise to ask you to support these bills addressing the issues of lead poisoning and the harm to children. The medical evidence for the damage from exposure to lead is very clear. While lead-based paint has been banned since 1978, it still holds in older homes in our poor neighborhoods and quietly spreads to new generations of young children. These children will grow up with the additional challenges of learning, speech disabilities, and brain damage. It has been said that when there is lead poisoning, there is brain damage that is irreversible. These bills before us will not solve all the problems with lead paint. We have to eventually deal with funding remediation, but I support them as an important step and ask my colleagues to do the same.

Let me mention the bills that are before us. Senate Bill No. 753 creates a childhood lead poisoning prevention and control commission. This commission would draw on the knowledge and experience of a broad group of experts on lead issues and will make further recommendations to the Legislature and the administration. This bill is sponsored by Senator Scott. Senate Bill No.755 will require clinical laboratories to submit their research on blood samples to the Department of Community Health electronically, sponsored by Senator Hammerstrom. Senate Bill No. 756 will establish a lead-safe housing registry where properties that are clean of lead can be listed for perspective buyers or renters to review, sponsored by myself. Senate Bill No. 757 will require property owners and landlords to show good faith compliance in cleaning up lead hazards and would penalize those who don’t, sponsored by Senator Clarke.

In addition, the Family and Human Services Committee is still reviewing Senate Bill No. 754, to require HMOs to provide more screening of children. We are trying to do so while not discouraging HMOs from participating in Medicaid. I am hopeful that we can reach a good compromise in the very near future. This is sponsored by Senator Schauer. He has been helpful in that process.

These are good bills put forth by the Governor and are supported by both caucuses and committee. I am hopeful that they will be a part of a meaningful response to the lead hazards. I ask members to please support these important bills.

The following bill was read a third time:

**Senate Bill No. 755, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20531.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendments:

1. Amend page 1, line 1, after “**Sec. 20531.**” by striking out “**Not later than January 1, 2004**” and inserting “**Within 30 days after the effective date of the amendatory act that added this section**”.

2. Amend page 1, line 2, after “**laboratory**” by striking out the balance of the line through “**act**” on line 3 and inserting “**doing business in this state**”.

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

The question being on the passage of the bill,

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

**Roll Call No. 12**

**Yeas—37**

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

**Nays—0**

**Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 756, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5474b.

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. 13****Yeas—37**

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

**Nays—0****Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 757, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 5475a.

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. 14****Yeas—37**

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

**Nays—0****Excused—1**

Thomas

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Hammerstrom moved that consideration of the following resolutions be postponed for today:

**Senate Resolution No. 175****Senate Resolution No. 139**

The motion prevailed.

Senators McManus, Patterson, Jelinek, Birkholz, Stamas, Van Woerkom, Barcia, Cherry, Allen and Basham offered the following resolution:

**Senate Resolution No. 208.**

A resolution to urge the Michigan Department of Natural Resources Fisheries Division biologists and their tribal counterparts to cooperate and efficiently manage state fisheries.

Whereas, In August 2000, the Grand Traverse Band of Ottawa and Chippewa Indians, the Bay Mills Indian Community, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, the Sault Ste. Marie Tribe of Chippewa Indians and the state of Michigan reached a historic twenty-year settlement. In the spirit of cooperation, the parties resolved their long-standing differences concerning the implementation of the 1836 Treaty fishing rights in portions of Lakes Michigan, Huron, and Superior; and

Whereas, Under this historic settlement, the parties also agreed to work cooperatively to resolve issues that arise during the course of the twenty-year settlement. Of particular importance is the tendency of DNR and tribal biologists to duplicate various fishing management and assessment procedures; and

Whereas, During these difficult economic times, it is even more imperative that DNR and tribal biologists cooperate and eliminate the costly duplication of fishing management and assessment procedures. By conserving badly needed financial resources, surplus revenue can be better put to use protecting our world-renowned fisheries; now, therefore, be it

Resolved by the Senate, That we urge the Michigan Department of Natural Resources Fisheries Division biologists and their tribal counterparts to cooperate and efficiently manage state fisheries; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Michigan Department of Natural Resources, the Chippewa Ottawa Resource Authority, and the Tribal Council of each of the respective tribes.

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 Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Clarke, Garcia, Goschka, Jacobs, Prusi and Switalski were named co-sponsors of the resolution.

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

Senators McManus and Jelinek introduced

#### **Senate Bill No. 925, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding sections 51503b and 51503d.

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

Senators McManus and Jelinek introduced

#### **Senate Bill No. 926, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111a (MCL 324.40111a), as added by 1999 PA 66; and to repeal acts and parts of acts.

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

Senators McManus and Jelinek introduced

#### **Senate Bill No. 927, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43705 (MCL 324.43705), as added by 2001 PA 50.

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

Senators George, Patterson, Cassis and McManus introduced

#### **Senate Bill No. 928, entitled**

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

#### **House Bill No. 4335, entitled**

A bill to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license certain persons engaged in boxing; to regulate certain persons connected to the business of boxing and persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; 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 Economic Development, Small Business and Regulatory Reform.



**House Bill No. 4336, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447).

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.

**Statements**

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

The motion prevailed.

Senator George's statement is as follows:

I rise to congratulate two Michigan gentlemen on a recent accomplishment. One is a constituent of mine, and the other is a constituent of Senator Birkholz. They are Professor Leander Jones at Western Michigan University, the former chair of the African-American history department, and Mr. Leroy Wolins from the South Haven area.

Their accomplishment, Mr. President, is that they worked tirelessly for several years to advocate for the development of a stamp to commemorate Paul Robeson, a famous African American. They worked on this project for several years, beginning in the early '90s. They had hoped that the commemorative stamp would be issued on the 100th anniversary of Mr. Robeson's birth that would have been in 1998. They initially failed in their initial attempt, but due to public sentiment and the press of their efforts, the Postal Service recently did issue this commemorative stamp, and it became available yesterday.

For those of you who don't know who Paul Robeson is, I thought I'd just tell you a little bit about him. He was born in 1898. He was the youngest of five children born of a former slave, who had escaped. His father had become a minister, and he was raised to value education. He became the third African American to attend Rutgers University. During his four years at Rutgers, he was a famous athlete. He earned 12 varsity letters in three sports and was a two-time All-American football player.

Mr. President, it wasn't just his athletic accomplishments that are notable, but it was the fact that he was also an academic achiever, while simultaneously being a star athlete. He became valedictorian of his Rutgers class, the only African American in his class, graduated at the top of his class, and was named to Phi Beta Kappa. After graduation, he attended law school at the University of Columbia, and following his completion of law school, he entered legal practice. He found, however, that it was difficult for him to practice, perhaps because of prejudices of the day. He eventually turned to another one of his talents, which was acting and music. He became a famous actor of the day, probably the most famous actor and musician of his time. He performed in "Othello" on Broadway. It was the longest running Shakespeare production of its day. He also made the famous recording of the song "Ol' Man River," which is probably familiar to many Americans. During World War II, he served as an entertainer and entertained the troops overseas and was very popular. But following World War II, he returned to the United States, and he was brought to the attention of Senator Joseph McCarthy because of various statements he had made. He was called before the House Un-American Activities Committee, and his passport was revoked in the 1950s. He was forbidden to travel, forbidden to perform, and this effectively and unfortunately ruined his career at its prime.

Eight years later, a campaign was organized that re-instated his passport and cleared his name. It was probably similar, Mr. President, to the campaign we heard about earlier which Senator Kenneth Sanborn had worked on to clear the name of Milo Radulovich—we heard his story earlier—a Michigan Air Force member who had been brought before the House Un-American Activities Committee. So in a similar fashion, Paul Robeson had been persecuted. He was later cleared, but it was really too late for him to resurrect his stellar career. He was a true Renaissance man, an athlete, a scholar, a musician, an actor, and a true American leader. It's just recently that he has been recognized by this stamp.

So, again, I rise to congratulate my constituent, Leander Jones, and Senator Birkholz's constituent, Leroy Wolins, who worked very hard to see this stamp come to fruition.

I also would mention, Mr. President, that there is a Michigan connection now to Paul Robeson's heritage. The University of Michigan recently organized a Paul Robeson Institute to promote academic and simultaneous athletic scholarship.

Senator Scott's statement is as follows:

One of our former teachers at Highland Park High School passed away just recently. This teacher brought out the best in people. At his funeral, people were standing in line like it was the President of the United States—two and three blocks long to get into the funeral home to see him. School was closed the next day, and we had to move his funeral to another church so it would accommodate the majority of the people. There were thousands there.

Mr. Carl Gottrell Pettway, Sr., strove for four decades to educate and inspire children in Highland Park's public schools, even as the city moved from affluence to poverty. He believed all children—rich or poor—could achieve great things. "You can do it," he would tell them.

Mr. Pettway retired from the school district in January 2001, after serving 39 years as a teacher, assistant principal, and principal at various schools. In that year, he ran for the school board and won.

He was school board president when he died a week ago Tuesday at Botsford General Hospital in Farmington Hills. He suffered a stroke and then an infection. Mr. Pettway was 68. "He was always teaching in everything he did," Jonetta Pettway said of her father-in-law. "He was just a kind and helpful man. He had a lot of wisdom." Mr. Pettway cared about the opinions of other people and rarely dictated, she said. When a person came to him with a problem, he didn't tell them what to do, but told them how he would handle the situation.

Mr. Pettway was born in Camden, Alabama, one of nine children of Robert and Leola Pettway. He attended the Camden Academy, a K-12 school. After graduation, he went to Knoxville College in Knoxville, Tennessee. He earned a Bachelor of Science in education in 1957. He served two years in the Army. After his honorable discharge in 1959, he moved to Michigan. In Highland Park, he began his career as a teacher at Cortland Elementary School. Mr. Pettway would go on to be principal at Ford Middle School and assistant principal at Highland Park community High School. He also coached intramural football.

In 1964, he married Barbara Johnson. Mr. Pettway, who enjoyed gardening, opened a flower shop, Park Petal Florist, on Woodward Avenue in Highland Park. He was a devout Christian who served as an elder at the Park United Presbyterian Church in Highland Park. He also was a member of the Presbytery Village of Redford board in Redford, a senior citizens housing complex. His family described him as an avid golfer, dynamic bowler, cunning card player, and a respected analyst of high school sports.

Among Mr. Pettway's numerous memberships were the National School Board Association, American Association of School Administrators, National Alliance of Black School Administrators, Knoxville College Alumni Association, Kappa Alpha Psi Fraternity Inc., Doric Lodge Local 22 of Prince Hall (Masonic), life member of the NAACP, Lions Club, Highland Park Men's Club, and Highland Park Men's Forum.

"He certainly was highly respected and will be missed," said Greg Byndrian, spokesman of the Highland Park school district.

In addition to his wife and daughter-in-law, he is survived by a son, Carl Pettway, Jr.; a daughter, Tamara Pettway; two brothers, David and Webber; four sisters, Robertetta Jordan, Geraldyn White, Bessie Jackson, and Marva Moore; and two grandchildren.

### Committee Reports

The Committee on Judiciary reported

**House Bill No. 4802, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540c (MCL 750.540c), as amended by 2002 PA 672.

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, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 4916, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported  
**House Bill No. 5120, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 1d, 65, 310d, 319b, 321a, 625, 625b, 727, and 732 (MCL 257.1d, 257.65, 257.310d, 257.319b, 257.321a, 257.625, 257.625b, 257.727, and 257.732), section 1d as added and sections 310d and 625 as amended by 2003 PA 61, section 65 as amended by 1994 PA 449, sections 319b and 732 as amended by 2002 PA 534, section 321a as amended by 2002 PA 741, section 625b as amended by 1998 PA 357, and section 727 as amended by 1998 PA 348.

With the recommendation that the substitute (S-2) 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, Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

Nays: None

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

The Committee on Judiciary reported  
**House Bill No. 5129, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 23, line 15, by striking out "January 1, 2004" and inserting "June 1, 2004".

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

Alan L. Cropsey  
 Chairperson

To Report Out:

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

Nays: None

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, January 20, 2004, at 1:00 p.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer, Bernero and Brater

#### COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, January 20, 2004, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

#### COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, January 20, 2004, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Jacobs and Clark-Coleman

Excused: Senator Sanborn

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

**Higher Education, Joint Senate/House** - Wednesday, January 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Natural Resources Department** - Tuesday, February 10, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

**Commerce and Labor** - Tuesday, January 27, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Health Policy** - Wednesday, January 28, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

**Natural Resources and Environmental Affairs** - Tuesday, January 27, 11:00 a.m. or later immediately following session, Room 110, Farnum Building (373-3447)

**Technology and Energy** - Wednesday, January 28, 3:00 p.m., Room 210, Farnum Building (373-7350)

**Transportation** - Tuesday, January 27, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Hammerstrom moved that the Senate adjourn.  
The motion prevailed, the time being 10:42 a.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, January 27, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate