

No. 1
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, January 9, 2002.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 91st Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2002), at twelve o'clock noon, and were 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.

District	Name	District	Name
1st	Joe Young, Jr.	20th	Harry Gast
2nd	Martha Scott	21st	Dale L. Shugars
3rd	Raymond Murphy	22nd	William Van Regenmorter
4th	Jackie Vaughn III—excused	23rd	Joanne G. Emmons—excused
5th	Burton Leland	24th	John J.H. Schwarz
6th	George Z. Hart	25th	Dianne Byrum
7th	Christopher D. Dingell	26th	Valde Garcia
8th	Loren N. Bennett	27th	Dan L. DeGrow
9th	Thaddeus G. McCotter	28th	John D. Cherry, Jr.
10th	Arthur J. Miller, Jr.	29th	Robert L. Emerson
11th	Kenneth J. DeBeaussaert	30th	Glenn D. Steil—excused
12th	Alan Sanborn	31st	Kenneth R. Sikkema
13th	Shirley Johnson	32nd	Leon Stille
14th	Gary Peters	33rd	Mike Goschka
15th	Bill Bullard, Jr.	34th	Joel D. Gougeon
16th	Mat J. Dunaskiss—excused	35th	Bill Schuette
17th	Beverly S. Hammerstrom	36th	George A. McManus, Jr.—excused
18th	Alma Wheeler Smith	37th	Walter H. North
19th	Philip E. Hoffman	38th	Don Koivisto

Senator Valde Garcia of the 26th District offered the following invocation:

Our Heavenly Father, we thank You for this day that You have given to us. We thank You for another year that You have provided for us and for our families as well.

Lord, we just ask for wisdom today and throughout the year that You would help us as we do the work that the people have assigned us to do. We ask for understanding and tolerance of each other and that we will be given wisdom throughout the year.

We ask all of these things in Jesus' name. Amen.

Senator Emerson entered the Senate Chamber.

Motions and Communications

Senator Hammerstrom moved that Senators Dunaskiss, Emmons, McManus and Steil be excused from today's session. The motion prevailed.

Senator Emerson moved that Senators Hart and Vaughn be excused from today's session. The motion prevailed.

The following communication was received:

Department of State

Administrative Rules Notice of Filing

December 20, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this to advise you that the Office of Regulatory Reform, Legal Division filed at 3:20 p.m. this date, administrative rule (01-12-05) for the Department of Consumer and Industry Services, Director's Office, entitled "*Psychology*," effective 7 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communications were received:

Office of the Auditor General

December 27, 2001

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

December 28, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit of the Michigan State Fair and Exposition Center, Department of Agriculture, October 1, 1999 through September 30, 2000.

If you desire further information concerning this report, I will be pleased to furnish it to you if available.

January 8, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit of the Department of Civil Service, October 1, 1998 through September 30, 2000.

January 8, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Construction and Facilities Management Office, Department of Military and Veteran Affairs, January 2002.

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

The communications were referred to the Secretary for record.

The following communication was received:
Michigan Municipal Bond Authority

January 4, 2002

Pursuant to Public Act 227 of 1985, as amended, I am transmitting the annual report for the calendar years 2000 and 2001.

If there are any questions regarding this information, please feel free to contact me at (517) 373-1729.

Sincerely,
Janet Hunter-Moore
Executive Director

The communication was referred to the Secretary for record.

The following communication was received:

January 9, 2002

Mr. Gary L. Randall, Clerk
House of Representatives
Capitol Building, Room H-70
Lansing, MI 48913

Dear Mr. Randall:

Pursuant to Joint Rule 28 and the commencement of the 2002 legislative year, the following bills have been removed from the Senate Calendar. Both bills were defeated in 2001, with motions pending to reconsider, and are no longer eligible for consideration.

House Bill No. 4617
House Bill No. 4619

Sincerely,
Carol Morey Viventi, J.D.
Secretary of the Senate

The Secretary announced the printing and placement in the members' files on Wednesday, December 26, of:

**House Bill Nos. 5540 5541 5542 5543 5544 5545 5546 5547 5548 5549 5550 5551 5552 5553
5554 5555 5556 5557 5558 5559 5560 5561 5562 5563**

The Secretary announced that the Majority Leader has made the appointment of the following standing and statutory standing committees:

Human Resources and Labor - Senator Sanborn (VC) temporarily replacing Senator Dunaskiss.

Natural Resources and Environmental Affairs - Senator North (VC) temporarily replacing Senator Dunaskiss.

Senior Citizens and Veterans Affairs - Senator Goschka (C) temporarily replacing Senator Dunaskiss; Senator Garcia (VC); Senator Sanborn as a member.

Technology and Energy - Senator Sikkema (C) temporarily replacing Senator Dunaskiss; Senator Schwarz (VC) as a member.

Michigan Capitol Committee - Senator Johnson temporarily replacing Senator Dunaskiss.

The standing and statutory standing committee appointments were approved, a majority of the members serving voting therefor.

Messages from the Governor

The following message from the Governor was received on December 21, 2001, and read:

EXECUTIVE ORDER
No. 2001 - 11

**Michigan Public Education Facilities Authority
Michigan Strategic Fund
Michigan Municipal Bond Authority
Michigan Department of Treasury**

Executive Reorganization

Whereas, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units, which he considers necessary for efficient administration; and

Whereas, the state of Michigan has public schools that are in need of new public educational facilities or whose existing public educational facilities are in need of renovation and remodeling; and

Whereas, the United States Congress recently passed, and President George W. Bush signed, The Economic Growth and Tax Relief Reconciliation Act of 2001, which includes a provision authorizing the issuance of “qualified public educational facility bonds” as exempt facility bonds under the federal tax laws; and

Whereas, the availability of exempt facility bonds for qualified public educational facilities will provide public schools across the country with a means for addressing the difficulties encountered in financing the construction, renovation and remodeling of public educational facilities; and

Whereas, the state can effectively and efficiently provide for a qualified public education facility bond program by establishing a new authority, the Michigan Public Educational Facilities Authority, within the Department of Treasury; and

Whereas, the creation of a Michigan Public Educational Facilities Authority may also create an opportunity for the state of Michigan to partner with other states to facilitate the acquisition of capital for the construction, renovation and remodeling of qualified public educational facilities; and

Whereas, it is necessary in the interests of efficient administration and good government to effect changes in the organization of the Executive Branch of government.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. DEFINITIONS

As used herein:

A. “Authority” means the Michigan Public Educational Facilities Authority created by this Order.

B. “Board” means Michigan Public Educational Facilities Authority Board of Trustees created by this Order.

C. The “Center for Educational Performance and Information” means the temporary state agency created by Executive Order 2000-9, being Section 388.996 et seq. of the Michigan Compiled Laws.

D. The “Department of Treasury” means the principal department created by Section 54 of Act No. 380 of the Public Acts of 1965, being Section 16.175 of the Michigan Compiled Laws.

E. The “Michigan Municipal Bond Authority” means the body corporate created under the Shared Credit Rating Act, Act No. 227 of the Public Acts of 1985, as amended, being Section 141.1051 et seq. of the Michigan Compiled Laws, and includes the Michigan Municipal Bond Authority Board of Trustees.

F. The “Michigan Strategic Fund” means the entity created under Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, and includes the Michigan Strategic Fund Board of Directors.

G. “Public School” means a public elementary or secondary educational entity or agency that is established under the Revised School Code, Act No. 451 of the Public Acts of 1976, as amended, being Section 380.1 et seq. of the Michigan Compiled Laws, and has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, strict discipline academy corporation, or by the Department of Education or the State Board of Education. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in Article VIII, Section 4, 5 or 6, of the Constitution of the state of Michigan of 1963.

H. "Qualified Public Education Facility" shall have the same meaning as defined in Section 422 of The Economic Growth and Tax Reconciliation Act of 2001, codified in Section 142 of the Internal Revenue Code of 1986, 26 USC 142, as amended.

II. CREATION OF THE MICHIGAN PUBLIC EDUCATIONAL FACILITIES AUTHORITY

A. The Michigan Public Educational Facilities Authority is hereby created as a Type I agency, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, located within the Department of Treasury.

B. The Authority shall be governed by a board of trustees consisting of:

1. The state treasurer;

2. Four (4) trustees appointed by the governor, with the advice and consent of the Senate. Not more than two (2) of the trustees appointed under this subsection shall be members of the same political party.

C. Except as otherwise provided in this subsection, appointed trustees shall hold office for a term of four (4) years. However, of the trustees initially appointed, the Governor shall designate two (2) to serve a term of four (4) years, one (1) to serve a term of three (3) years, and one (1) to serve a term of two (2) years.

D. A vacancy on the board caused by the expiration of a term or other cause of termination of membership on the board shall be filled in the same manner as the original appointment.

E. A trustee appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the trustee who he or she is to succeed in the same manner as the original appointment. A trustee may be reappointed for additional terms.

III. OPERATIONS OF THE MICHIGAN PUBLIC EDUCATIONAL FACILITIES AUTHORITY BOARD OF TRUSTEES

A. The Governor shall designate one trustee to serve as chairperson of the board. The chairperson shall serve as chairperson at the pleasure of the Governor.

B. The board may adopt bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. A majority of the serving trustees constitutes a quorum for the transaction of business at a meeting. Trustees participating in a meeting by the use of telephonic or video equipment shall be deemed present at the meeting. The board shall act by a majority vote of the trustees voting on any particular action. Voting shall be conducted in person or by use of telephonic or video equipment.

D. The board shall meet at the call of the chairperson and as may be provided in the bylaws of the board. Meetings of the board may be held at any location within the state of Michigan.

E. The board may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public.

F. Trustees shall serve without compensation. Trustees may receive reimbursement for necessary travel and expenses according to the relevant procedures of the Civil Service Commission and the Department of Management and Budget.

G. The board may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the board and the performance of its duties as the board may deem advisable and necessary, in accordance with the relevant statutes, rules and procedures of the Civil Service Commission and the Department of Management and Budget.

H. The board may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The board may also accept donations of labor, services or other things of value from any public or private agency or person.

I. The board shall be staffed by personnel within the Department of Treasury, as designated by the State Treasurer.

J. The board shall conduct all business at public meetings held in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of 1976, as amended, being Sections 15.261 et seq. of the Michigan Compiled Laws.

IV. MICHIGAN STRATEGIC FUND

All the statutory authority, powers, duties, functions and responsibilities with respect to a commercial enterprise involving the construction, rehabilitation, refurbishing or equipping of school facilities that are occupied or to be occupied by a public school, provided under the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, are hereby transferred from the Michigan Strategic Fund and the Michigan Strategic Fund Board of Directors to the Michigan Public Education Facilities Authority and the Michigan Public Education Facilities Authority Board of Trustees by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

V. DEPARTMENT OF TREASURY

All the statutory authority, power, duties, functions and responsibilities of the State Treasurer only with respect to the allocation of volume limitations designated for exempt facility bonds relating to Qualified Public Educational Facilities, provided under the Unified Volume Limitation Allocation Act, Act No. 496 of the Public Acts of 1988, as amended, being Section 12.111 et seq. of the Michigan Compiled Laws, are hereby transferred from the State Treasurer to the Michigan Public Educational Facilities Authority by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

VI. MICHIGAN MUNICIPAL BOND AUTHORITY

A. Except as provided in Paragraph B, the statutory authority, powers, duties, functions and responsibilities of the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees, as such authority, powers, duties, functions and responsibilities relate to governmental units which are a public school academy or a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in Article VIII, Section 4, 5 or 6, of the constitution of the state of Michigan of 1963, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in the Shared Credit Rating Act, Act No. 227 of the Public Acts of 1985, as amended, being Section 141.1051 et seq. of the Michigan Compiled Laws, Section 1225 of the Revised School Code, Section 1225 of Act No. 451 of the Public Acts of 1976, as amended, being Section 380.1225 of the Michigan Compiled Laws, and the State School Aid Act of 1979, Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1601 of the Michigan Compiled Laws, are hereby transferred from the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees to the Michigan Public Educational Facilities Authority and the Michigan Public Education Facilities Authority Board of Trustees by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The transfer provided for in Subsection A does not transfer the authorities, powers, duties, functions, responsibilities, rights and obligations of the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees related to any outstanding public school academy bonds or notes or any reserve or trust funds relating to such bonds or notes.

VII. MISCELLANEOUS

A. The State Treasurer shall provide executive direction and supervision for the implementation of all transfers of authority to the Michigan Public Educational Facilities Authority made under this Order.

B. The State Treasurer shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The State Treasurer shall identify the program positions and administrative function positions that will be transferred to the Michigan Public Educational Facilities Authority according to the terms of this Order. The State Treasurer shall develop an agreement specifying these positions no later than the effective date of this Order.

D. The State Treasurer shall immediately initiate coordination with the directors of all other state departments and agencies having authority transferred to the Michigan Public Educational Facilities Authority under this Order to facilitate the transfer and to develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

E. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred from the Michigan Municipal Bond Authority and the Michigan Strategic Fund by this Order are hereby transferred to the Michigan Public Educational Facilities Authority.

F. The State Treasurer may request the assistance of other state agencies with respect to personnel, budgeting, procurement, information systems and other management-related functions and such agencies shall provide such assistance.

G. The Michigan Public Educational Facilities Authority will prepare and submit an annual report to the Center for Educational Performance and Information which will include the total number of bond issues, dollar amount of the bond issues, number of public schools assisted, the geographic distribution of the bond financing and the types of facilities financed.

H. The State Treasurer may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the State Treasurer.

I. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Michigan Public Educational Facilities Authority by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

J. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records affected by this Order in the state's financial management system for the remainder of this fiscal year.

K. The Michigan Public Educational Facilities Authority is a separate and distinct authority from the School Bond Loan Fund established by 1955 P.A. 74, as amended, being Section 388.921 et seq. of the Michigan Compiled Laws, and shall have no impact on the amount of loans available to school districts through the School Bond Loan Fund.

L. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective March 18, 2002.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 21st day of December, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 3, 2002

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Michigan Certificate of Need Commission

Mr. James K. Delaney, 2144 Tamie Way, Jackson, Michigan 49203, county of Jackson, as a member representing Republicans, succeeding himself, for a term expiring on January 1, 2005.

January 3, 2002

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Controlled Substances Advisory Commission

Dr. James D. Grant, 1574 Sodon Lake Drive, Bloomfield Hills, Michigan 48302, county of Oakland, as a member representing the Michigan Board of Medicine, succeeding Dr. Linda S. Hotchkiss of Grosse Pointe Park, whose term has expired, for a term expiring on August 30, 2003.

January 3, 2002

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Saginaw Valley State University Board of Control

Mr. D. Brian Law, 1504 Helen Street, Bay City, Michigan 48708, county of Bay, as a member representing the general public, succeeding Mr. Elias J. Escobedo, Jr., of West Bloomfield, whose term has expired, for a term expiring on July 21, 2009.

Dr. Raana Akbar, 580 Golfview Drive, Saginaw, Michigan 48603, county of Saginaw, as a member representing the general public, succeeding Mr. D. Brian Law of Bay City, who has resigned, for a term expiring on July 21, 2003.

Ms. Sally Stegeman DiCarlo, 2114 Londonderry Road, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing the general public, succeeding Mr. Burnett S. Kelly of Midland, whose term has expired, for a term expiring on July 21, 2009.

January 4, 2002

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Blue Cross Blue Shield of Michigan Board of Directors

Mr. Wallace D. Riley, 86 Lothrop Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on February 18, 2002.

Mr. Roy A. Westran, 5835 Griffith Drive, Brighton, Michigan 48116-7401, county of Livingston, as a member representing general public retirees over the age of 62, succeeding himself, for a term expiring on February 18, 2002.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

Messages from the House

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

Senate Bill No. 505

The motion prevailed.

The following message was received and read:

January 9, 2002

I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

Senate Bill No. 472, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2000 PA 72.

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

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

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

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 154

The resolution consent calendar was adopted.

Senator North offered the following resolution:

Senate Resolution No. 154.

A resolution honoring the memory of Nelson Triplett.

Whereas, Nelson Triplett served the state of Michigan for 25 years with dignity, grace, and with the utmost admiration of his colleagues; and

Whereas, He worked diligently as an advocate for Michigan citizens, protecting and supporting aviation interests throughout the state; and

Whereas, His understanding of Michigan government, public policy, and aeronautics enabled aviation legislation to be passed into law; and

Whereas, His kind heart, friendship, and easy-going demeanor touched everyone whom he met; and

Whereas, Those colleagues, friends, and all who had an opportunity to know Nelson Triplett will forever remember this kind and gentle man who touched us all; now, therefore, be it

Resolved by the Senate, That the members of this legislative body join in honoring the life, memory, and service of Nelson Triplett; and be it further

Resolved, That a copy of this resolution be transmitted to his wife Lorna as a token of our respect for her husband's commitment and service to the state of Michigan.

Senator Young was named co-sponsor of the resolution.

Senators Byrum, Schwarz, Hammerstrom and Emerson offered the following resolution:

Senate Resolution No. 153.

A resolution to memorialize the Congress of the United States to enact the State Budget Relief Act of 2001.

Whereas, When federal balanced budget legislation was put in place several years ago, the American economy was at a high level, with very low unemployment and limited strains on the safety net of public services. With the current economic challenges before us, including rising unemployment and consumer confidence shaken by recent events at home and abroad, the full impact of austerity measures, especially in the levels of Medicaid payments, is now being felt; and

Whereas, Over the past few months, state governments, including Michigan's, have seen a significant erosion of financial strength. Michigan has found it necessary to make substantial withdrawals from its budget stabilization fund to help deal with the shortfall; and

Whereas, A bill has been introduced in Congress that would bring significant help to Michigan and the other states during the current fiscal year. This legislation, H.R. 3414, is known as the State Budget Relief Act of 2001. The bill

addresses serious shortfalls in health care to the poor by providing a temporary increase in the federal medical assistance percentage under Medicaid. This measure would provide swift help to the states to deal with the financial pressures resulting from rising unemployment and rising enrollment in Medicaid; and

Whereas, Enactment of the State Budget Relief Act of 2001 would not only help ensure health services to the needy, but it would also shore up health care generally. States would also be in a far better position to deal with weaker revenues without having to cut as much from other areas of public service; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the State Budget Relief Act of 2001; 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 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 Appropriations.

The motion prevailed.

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

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 48.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, December 13, 2001, it stands adjourned until Thursday, December 20, 2001, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Thursday, December 20, 2001, it stands adjourned without day.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 49.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 14, 2001, it stands adjourned until Thursday, December 20, 2001, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Thursday, December 20, 2001, it stands adjourned without day.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 51.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Friday, December 14, 2001, it stands adjourned until Friday, December 21, 2001, at 11:45 a.m. for the Senate and 11:30 a.m. for the House of Representatives; and be it further

Resolved, That when the Legislature adjourns on Friday, December 21, 2001, it stands adjourned without day.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senate Concurrent Resolution No. 50.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 90 of 2001, p. 2355.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

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

Senate Concurrent Resolution No. 11

The motion prevailed.

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 12:13 p.m.

12:29 p.m.

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

Introduction and Referral of Bills

Senators Sanborn and Bullard introduced

Senate Bill No. 991, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2103, 2105, 2111, 2117, 2118, and 2121 (MCL 500.2103, 500.2105, 500.2111, 500.2117, 500.2118, and 500.2121), section 2103 as amended by 2001 PA 147, section 2111 as amended by 1996 PA 98, section 2117 as amended by 2001 PA 25, section 2118 as amended by 1988 PA 43, and section 2121 as amended by 1998 PA 26.

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

Senator Hoffman introduced

Senate Bill No. 992, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 156.

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

Senator Peters introduced

Senate Bill No. 993, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1701 and 1703 (MCL 380.1701 and 380.1703), section 1703 as amended by 1995 PA 289, and by adding section 1703a.

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

Senators Miller, Scott, Young, DeBeaussaert, Byrum, Smith and Dingell introduced

Senate Bill No. 994, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," by amending section 3 (MCL 32.273).

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

Senators Koivisto and Cherry introduced

Senate Bill No. 995, 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 2000 PA 279.

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

Senators Byrum and Cherry introduced

Senate Bill No. 996, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2000 PA 371.

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

Senators Leland and Cherry introduced

Senate Bill No. 997, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 1997 PA 75.

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

Senators Sikkema, Hammerstrom, Goschka, Johnson, Sanborn, Shugars, Gougeon and Gast introduced

Senate Bill No. 998, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 310 (MCL 484.2310), as amended by 2000 PA 295.

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

Senators Garcia and Schuette introduced

Senate Bill No. 999, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," (MCL 207.1 to 207.21) by adding section 13b.

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

House Bill No. 4824, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1212 (MCL 380.1212), as amended by 1993 PA 312.

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 Education.

House Bill No. 4869, entitled

A bill to amend 1945 PA 344, entitled "An act to authorize counties, cities, villages and townships of this state to adopt plans to prevent blight and to adopt plans for the rehabilitation of blighted areas; to authorize assistance in carrying out such plans by the acquisition of real property, the improvement of such real property and the disposal of real property in such areas; to prescribe the methods of financing the exercise of these powers; and to declare the effect of this act," by amending section 4 (MCL 125.74), as amended by 1986 PA 320.

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 Local, Urban and State Affairs.

House Bill No. 5206, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 2, 31, and 32 (MCL 552.602, 552.631, and 552.632), section 2 as amended by 1999 PA 160 and sections 31 and 32 as amended by 2000 PA 442, and by adding section 32a.

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 Families, Mental Health and Human Services.

House Bill No. 5457, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 5 (MCL 460.805).

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 Technology and Energy.

House Bill No. 5458, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 44 (MCL 460.844).

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 Technology and Energy.

House Bill No. 5459, entitled

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 40 (MCL 460.840).

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 Technology and Energy.

House Bill No. 5467, entitled

A bill to create the Detroit area regional transportation authority and to transfer certain powers of authorities to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

The House of Representatives has passed the bill.

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

House Bill No. 5468, entitled

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 4 (MCL 474.104), as amended by 1989 PA 233.

The House of Representatives has passed the bill.

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

House Bill No. 5482, entitled

A bill to provide for the formation, regulation, and registration of distance learning corporations; to prescribe their duties, rights, powers, immunities, and liabilities; and to provide for the powers and duties of certain state officers and entities.

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 Education.

House Bill No. 5483, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 124 (MCL 450.2124).

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 Education.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that when the Senate adjourns today, it stand adjourned until Wednesday, January 23, at 6:00 p.m.

The motion prevailed.

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 12:34 p.m.

In pursuance of the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, January 23, at 6:00 p.m.