

No. 16
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, February 26, 2002.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Garcia—present
Gast—present
Goschka—present

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

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

Senator George Z. Hart of the 6th District offered the following invocation:
 “God bless America, land that I love.
 Stand beside her and guide her through the night with the light from above.
 From the mountains to the prairies, to the ocean white with foam.
 God bless America, my home sweet home.
 God bless America, my home sweet home.”

Senators Miller, Murphy, Young and Cherry entered the Senate Chamber.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
 The motion prevailed, the time being 10:04 a.m.

10:42 a.m.

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

Motions and Communications

The following communication was received:
 Department of State

Administrative Rules Notice of Filing

February 13, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:15 p.m. this date, administrative rule (02-02-01) for the Department of Natural Resources, Law Enforcement Division, entitled “*Marine Collisions, Accidents, or Other Casualties*,” 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 communication was received:
 Department of Consumer and Industry Services

February 15, 2002

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Adrian Training School	2002C0207009	CS460200931
Licensing Study Report	Arbor Heights Community Justice Center		CS810200952

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
 John R. Suckow, C.P.A.
 Director, Finance and Administrative Services

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

February 20, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Audit of the Bureau of Workers' Disability Compensation, Department of Consumer and Industry Services, October 1, 1998 through September 30, 2000.

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

February 21, 2002

Enclosed is a copy of the annual financial statements, together with the Auditors' Report, for the Bureau of State Lottery for the six months and years ended September 30, 2001 and 2000.

If you have questions regarding this report, please call me; Michael J. Mayhew, C.P.A., Deputy Auditor General for Audits; or Michael R. Becker, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 21:
House Bill Nos. 4554 4642 5136 5611 5612 5613 5614 5615 5674

The Secretary announced the enrollment printing and presentation to the Governor on Friday, February 22, for his approval the following bills:

Enrolled Senate Bill No. 493 at 3:26 p.m.
Enrolled Senate Bill No. 496 at 3:28 p.m.
Enrolled Senate Bill No. 505 at 3:30 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, February 25, for his approval the following bills:

Enrolled Senate Bill No. 541 at 3:50 p.m.
Enrolled Senate Bill No. 604 at 3:52 p.m.
Enrolled Senate Bill No. 605 at 3:54 p.m.
Enrolled Senate Bill No. 718 at 3:56 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, February 21, of:
House Bill Nos. 5681 5682 5683 5684 5685

The Secretary announced the printing and placement in the members' files on Friday, February 22, of:
Senate Bill Nos. 1110 1128 1129 1130
House Bill Nos. 5732 5733 5734 5735 5736

The Secretary announced the printing and placement in the members' files on Monday, February 25, of:

Senate Bill Nos. 1126 1127
House Bill Nos. 5686 5687 5688 5689 5690 5691 5692 5693 5694 5695 5696 5697 5698 5699
5700 5701 5702 5703 5704 5705 5706 5707 5708 5709 5710 5711 5712 5713
5714 5715 5716 5717 5718 5719 5720 5721 5722 5723 5724 5725 5726 5727
5728 5729 5730 5731 5737 5738 5739 5740 5741

Senator Emerson moved that Senator Vaughn be excused from this week's sessions.
The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Third Reading of Bills

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

Senate Bill No. 1100
Senate Bill No. 1105

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 1100, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The question being on the passage of the bill,

Senator Scott offered the following amendment:

1. Amend page 2, following line 18, by inserting:

“Highland Park Community College 6,545,600”

and adjusting the subtotals, totals, and section 201 accordingly.

The amendment was not adopted, a majority of the members serving not 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. 196

Yeas—37

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The Assistant President pro tempore, Senator Hoffman, assumed the Chair.

The following bill was read a third time:

Senate Bill No. 1105, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2003; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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. 197**Yeas—36**

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

Nays—1

Shugars

Excused—1

Vaughn

Not Voting—0

In The Chair: Hoffman

The Senate agreed to the title of the bill.

Protest

Senator Shugars, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1105.

Senator Shugars' statement is as follows:

I voted "no" on Senate Bill No. 1105 because it perpetuates the underfunding of Western Michigan University. Western is a major research institute and has the fourth largest enrollment of state universities and grants and the fourth highest number of PhDs. Yet Western often gets less than the state average per student, as it does in Senate Bill No. 1105. I will not continue to support this type of trend.

The President pro tempore, Senator Schwarz, resumed the Chair.

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

House Bill No. 4859, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7411 (MCL 333.7411), as amended by 1993 PA 169.

The above bill was read a third time.

The question being on the passage of the bill,

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

Roll Call No. 198**Yeas—36**

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

Nays—1

Scott

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to 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 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.”.

The Senate agreed to the full title.

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4859 and moved that the statements she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott's first statement is as follows:

I rise in opposition to House Bill No. 4859. This bill directly contradicts the intent of current law, which provides for a second chance to individuals arrested for a first-time, low-level drug offense. Section 7411 of the Public Health Code provides a person arrested for a first-time, low-level drug offense a second chance by giving that person the opportunity to receive counseling, complete probation, and then come away from the court proceeding without a conviction. The intent behind this statute is to allow individuals who have made a one-time mistake the opportunity to gain employment and continue their lives without the stigma of a criminal record.

I cannot support this bill because it gives the Department of Corrections and law enforcement agencies the ability to use the sealed records against individuals applying for employment, thereby creating a prejudice against persons the Legislature and court system currently attempt to give a second chance to.

For these reasons, I cannot vote for this bill, and I certainly urge my colleagues to vote against it.

Senator Scott's second statement is as follows:

As I read the bill, it does include one-time offenders. I'm asking that you vote against that, so that we give people an opportunity to have a second chance.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 692, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 36105, 36106, 36109, 36111, and 36206 (MCL 324.36105, 324.36106, 324.36109, 324.36111, and 324.36206), sections 36105 and 36106 as amended by 1996 PA 233, section 36109 as amended by 2000 PA 421, and section 36111 as amended and section 36206 as added by 2000 PA 262.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 6, after "SUBSECTION" by striking out "(9)" and inserting "(4)".
2. Amend page 21, line 17, after "TO" by striking out the balance of the line through "EASEMENT" on line 18 and inserting "AN AGRICULTURAL CONSERVATION EASEMENT OR PURCHASE OF DEVELOPMENT RIGHTS".
3. Amend page 21, following line 24, by inserting:

"Sec. 36111a. (1) Upon request from a landowner and a local governing body, the state land use agency shall relinquish farmland from the development rights agreement if 1 or both of the following occur:

(a) The local governing body determines 1 or more of the following:

(i) That, because of the quality of the farmland, agricultural production cannot be made economically viable with generally accepted agricultural and management practices.

(ii) That surrounding conditions impose physical obstacles to the agricultural operation or prohibit essential agricultural practices.

(iii) That significant natural physical changes in the farmland have occurred that are generally irreversible and permanently limit the productivity of the farmland.

(iv) That a court order restricts the use of the farmland so that agricultural production cannot be made economically viable.

(b) The local governing body determines that the relinquishment is in the public interest and that the farmland to be relinquished meets 1 or more of the following conditions:

(i) The farmland is to be owned, operated, and maintained by a public body for a public use.

(ii) The farmland had been zoned for the immediately preceding 3 years for a commercial or industrial use.

(iii) THE FARMLAND IS ZONED FOR COMMERCIAL OR INDUSTRIAL USE AND THE RELINQUISHMENT OF THE FARMLAND WILL BE MITIGATED BY 1 OF THE FOLLOWING MEANS:

(A) FOR EVERY 1 ACRE OF FARMLAND TO BE RELINQUISHED, AN AGRICULTURAL CONSERVATION EASEMENT WILL BE ACQUIRED OVER 2 ACRES OF FARMLAND OF COMPARABLE OR BETTER QUALITY LOCATED WITHIN THE SAME LOCAL UNIT OF GOVERNMENT WHERE THE FARMLAND TO BE RELINQUISHED IS LOCATED. THE AGRICULTURAL CONSERVATION EASEMENT SHALL BE HELD BY THE LOCAL UNIT OF GOVERNMENT WHERE THE FARMLAND TO BE RELINQUISHED IS LOCATED OR, IF THE LOCAL GOVERNING BODY DECLINES TO HOLD THE AGRICULTURAL CONSERVATION EASEMENT, BY THE STATE LAND USE AGENCY.

(B) IF AN AGRICULTURAL CONSERVATION EASEMENT CANNOT BE ACQUIRED AS PROVIDED UNDER SUB-SUBPARAGRAPH (A), THERE WILL BE DEPOSITED INTO THE STATE AGRICULTURAL PRESERVATION FUND CREATED IN SECTION 36202 AN AMOUNT EQUAL TO TWICE THE VALUE OF THE DEVELOPMENT RIGHTS TO THE FARMLAND BEING RELINQUISHED, AS DETERMINED BY A CERTIFIED APPRAISAL.

(iv) ~~(iii)~~ The farmland is to be owned, operated, and maintained by an organization exempt from taxation under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. 501, and the relinquishment will be beneficial to the local community.

(2) In determining public interest under subsection (1)(b), the governing body shall consider all of the following:

(a) The long-term effect of the relinquishment upon the preservation and enhancement of agriculture in the surrounding area, including any nonfarm encroachment upon other agricultural operations in the surrounding area.

(b) Any other reasonable and prudent site alternatives to the farmland to be relinquished.

(c) Any infrastructure changes and costs to the local governmental unit that will result from the development of the farmland to be relinquished.

(3) If a landowner's relinquishment application under this section is denied by the local governing body, the landowner may appeal that denial to the state land use agency. In determining whether to grant the appeal and approve the relinquishment, the state land use agency shall follow the criteria established in subsection (1)(a) or follow the criteria in subsection (1)(b) and consider the factors described in subsection (2).

(4) The state land use agency shall review an application approved by the local governing body to verify that the criteria provided in subsection (1)(a) were met or the criteria in subsection (1)(b) were met and the factors in subsection (2) were considered. If the local governing body did not render a determination in accordance with this subsection, the state land use agency shall not relinquish the farmland from the development rights agreement.

(5) A local governing body may elect to waive its right to make a relinquishment determination under subsection (1)(a) or (b) by providing written notice of that election to the state land use agency. The written notice shall grant the state land use agency sole authority to grant or deny the application as provided in this section.

(6) A decision by the state land use agency to grant or deny an application for relinquishment under this section that adversely affects a land owner or a local governing body is subject to a contested case hearing as provided under this act and the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

(7) As used in this section, "economic viability" means that the cash flow returning to the farming operation is positive. The local governing body or state land use agency shall evaluate an application for relinquishment, and determine the economic viability of the affected farming operation, by doing all of the following:

(a) Estimating crop, livestock, or product value of the farmland using locally accepted production methods and local United States department of agriculture yield capabilities for the specific soil types and average price for crop, livestock, or product over the past 5 years.

(b) Adding average yearly property tax credits afforded by the development rights agreement over the immediately preceding 5-year period.

(c) Subtracting estimated expenses directly attributed to the production of the crop, livestock, or product, including, but not limited to, seed, fertilizer, insecticide, building and machinery repair, drying, trucking, and property taxes.

(d) Subtracting the estimated cost of the operator's labor and management time at rates established by the United States department of agriculture for "all labor", Great Lakes area, as published in the United States department of agriculture labor reports.

(e) Subtracting typical capital replacement cost per acre of nonland assets using a useful life depreciation rate for comparable farming operations."

The House of Representatives has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 36105, 36106, 36109, 36111, 36111a, and 36206 (MCL 324.36105, 324.36106, 324.36109, 324.36111, 324.36111a, and 324.36206), sections 36105 and 36106 as amended and section 36111a as added by 1996 PA 233, section 36109 as amended by 2000 PA 421, and section 36111 as amended and section 36206 as added by 2000 PA 262.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 180, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451).

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

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

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

The Senate agreed to the full title.

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

Senate Bill No. 797, entitled

A bill to amend 1946 (Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by amending section 5 (MCL 35.605).

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

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

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

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

Senate Bill No. 1029, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 449, 450, and 462 (MCL 750.449, 750.450, and 750.462).

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

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

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

The Senate agreed to the full title.

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

House Bill No. 4009, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2a (MCL 21.142a), as amended by 1987 PA 27.

The House of Representatives has amended the Senate substitute (S-2) as follows:

1. Amend page 3, line 1, after "first" by striking out "25" and inserting "24".
2. Amend page 4, line 19, by striking out "January" and inserting "OCTOBER".
3. Amend page 4, line 23, after "beyond" by striking out "JANUARY" and inserting "OCTOBER".
4. Amend page 4, line 27, after "THAN" by striking out "25" and inserting "24".
5. Amend page 5, line 4, after "(7)" by striking out the balance of the subsection and inserting "ANNUALLY, EACH FINANCIAL INSTITUTION IN WHICH THE STATE TREASURER HAS MADE AN INVESTMENT UNDER THIS SECTION SHALL FILE AN AFFIDAVIT, SIGNED BY A SENIOR EXECUTIVE OFFICER OF THE FINANCIAL INSTITUTION, STATING THAT THE FINANCIAL INSTITUTION IS IN COMPLIANCE WITH THE TERMS OF THE INVESTMENT AGREEMENT AND THIS ACT."
6. Amend page 6, line 1, after "(d)" by striking out the balance of the line through "THE" on line 2 and inserting "ANY".
7. Amend page 11, line 17, after "before" by striking out "DECEMBER 31," and inserting "OCTOBER 1,".
8. Amend page 11, line 21, after "SUBSIDY" by striking out "OF" and inserting "EQUAL TO".
9. Amend page 11, line 21, after "THE" by striking out the balance of the sentence and inserting "STATE TREASURER'S COMMON CASH EARNINGS RATE."

The House of Representatives has concurred in the Senate substitute (S-2) as amended.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 796, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1902, 1903, and 1904 (MCL 324.1902, 324.1903, and 324.1904), section 1902 as amended by 1996 PA 134 and sections 1903 and 1904 as added by 1995 PA 60.

Substitute (H-2).

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

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

Roll Call No. 199**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 798, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74119 (MCL 324.74119), as added by 1995 PA 58.

Substitute (H-2).

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

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

Roll Call No. 200**Yeas—37**

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

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 799, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43902 (MCL 324.43902), as amended by 2000 PA 69.

Substitute (H-1).

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

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

Roll Call No. 201**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Bill No. 800, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43704 (MCL 324.43704), as amended by 2001 PA 50.

Substitute (H-1).

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

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

Roll Call No. 202**Yeas—37**

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

Nays—0**Excused—1**

Vaughn

Not Voting—0

In The Chair: Schwarz

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

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

The Senate agreed to the full title.

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

Senate Bill No. 801, entitled

A bill to amend 1984 PA 22, entitled "Michigan civilian conservation corps act," by amending section 12a (MCL 409.312a), as added by 1994 PA 394.

Substitute (H-1).

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

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

Roll Call No. 203**Yeas—37**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith

DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hart
Hoffman
Johnson
Koivisto

North
Peters
Sanborn
Schuette

Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

Senate Joint Resolution T, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 19 and 35, section 36 related to the Michigan state parks endowment fund, and section 37 of article IX, to eliminate certain investment restrictions for certain state funds, to increase the accumulated principal limitation of the Michigan natural resources trust fund, to modify provisions of the Michigan natural resources trust fund and the state parks endowment fund related to their allowable expenditures and the investment of their assets, to provide for the investment of the assets of the Michigan veterans' trust fund, and to renumber certain sections.

Substitute (H-2).

The question being on concurring in the substitute made to the joint resolution by the House,
The substitute was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 204

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Garcia
Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Leland
McCotter
McManus
Miller
Murphy
North
Peters
Sanborn
Schuette

Schwarz
Scott
Shugars
Sikkema
Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

The joint resolution was referred to the Secretary for enrollment printing, certification and filing with the Secretary of State.

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following message from the Governor was received on February 22, 2002, and read:

EXECUTIVE ORDER
 No. 2002 - 2

e-Michigan Office
e-Michigan Advisory Council

New e-Michigan Office
New e-Michigan Advisory Council

Executive Office of the Governor
Department of Information Technology

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 e-Michigan Office was created to lead all state agencies in electronic government initiatives and policy development, including the development of the award-winning Michigan.gov Internet portal; and

Whereas, Michigan.gov is recognized as a national leader among state government Internet service delivery portals; and

Whereas, Michigan.gov provides more convenient service to Michigan citizens 24-hours-a-day, seven-days-a-week, through an easy-to-understand web connection to government services and information; and

Whereas, it is vitally important that the state continuously build upon e-Michigan's successful advancements in the coordinated delivery of trusted electronic government services; and

Whereas, the continued development of electronic government services serves as a catalyst for reengineering the state's current business practices; and

Whereas, designing better ways of conducting the business of government yields efficiencies for taxpayers and enhances the quality of life for Michigan's citizens, customers and business partners.

Whereas, it is necessary in the interests of efficient administration and effectiveness of 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. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

B. "e-Michigan Advisory Council" means the advisory body created within the e-Michigan Office by Executive Order 2000-6.

C. "e-Michigan Office" means the office created within the Executive Office of the Governor as a temporary agency pursuant to Article V, Section 4, of the Constitution of the state of Michigan of 1963, by Executive Order 2000-6.

D. "New e-Michigan Advisory Council" means the advisory body established by this order.

E. "New e-Michigan Office" means the Type I agency established within the Department of Information Technology by this order.

II. CREATION OF THE NEW e-MICHIGAN OFFICE

A. The new e-Michigan Office is hereby created as a Type I agency within the Department of Information Technology. The office shall exercise its prescribed powers, duties and functions independently of the head of the department. All budgeting, procurement and related management functions of the office shall be performed under the direction and supervision of the head of the department.

B. The new e-Michigan Office shall be headed by a Director who shall be appointed by the Governor. The Director shall be a member of the Executive Cabinet and shall regularly attend and fully participate in cabinet meetings and functions.

C. All of the authority, powers, functions, duties and responsibilities of the e-Michigan Office established by Executive Order 2000-6 are transferred to the new e-Michigan Office by Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

III. NEW e-MICHIGAN ADVISORY COUNCIL

A. The new e-Michigan Advisory Council is established as an advisory body within the new e-Michigan Office.

B. The new e-Michigan Advisory Council shall consist of five (5) members. Four (4) of the members shall be appointed by the Governor. The fifth member shall be the Governor, or the Governor's designee, and shall serve as chair of the advisory council.

C. The advisory council shall advise the director of the e-Michigan office on:

1. Best practices for implementation of e-commerce throughout Michigan state government.
2. Future trends in business, government and education relating to the integration of e-commerce in the support of providing services and products in an efficient manner.
3. Best opportunities for the use of e-commerce to offer the type of services desired in order to provide consistent levels of services, develop efficient, effective and secure operations, and attain the highest quality performance.

D. All of the authority, powers, functions, duties and responsibilities of the e-Michigan Advisory Council established by Executive Order 2000-6 are transferred to the new e-Michigan Advisory Council by Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

E. The advisory council may adopt bylaws, consistent with law and this order, to govern its organization and procedure.

F. A majority of the serving members of the advisory council constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of vacant member positions. Voting upon actions taken by the advisory council shall be conducted by a simple majority vote of the members present at a meeting, whether in person or by use of video-conferencing or tele-conferencing equipment. The advisory council shall meet at the call of the chair and as may be provided in its bylaws. Meetings of the advisory council may be held at any location within the state of Michigan.

IV. MISCELLANEOUS

A. The Director of the new e-Michigan Office shall provide executive direction and supervision for the implementation of the transfers made under this Order. The assigned functions shall be administered under the direction and supervision of the Director of the new e-Michigan Office.

B. The Director of the new e-Michigan Office 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 Director of the Department of Information Technology shall immediately initiate coordination with the e-Michigan Office and the e-Michigan Advisory Council to facilitate the transfers and 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 by the new e-Michigan Office.

D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available for the activities, power, duties, functions and responsibilities transferred by this Order are hereby transferred to the new e-Michigan Office.

E. The Director of the new e-Michigan Office shall have the full cooperation of state agencies in re-engineering state business processes to allow services to be transacted through the Internet, or by other electronic means.

F. The Director of the new e-Michigan Office shall utilize the staff of other state agencies for advice and assistance to re-engineer business processes, develop specific electronic government objectives, and establish inter-agency and intra-agency data sharing requirements, policies, procedures and standards to guide the development of Michigan.gov services and transactions for customers of the state of Michigan. All executive branch agencies shall cooperate fully with the new e-Michigan Office in the performance of their respective responsibilities.

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

H. The Director of the new e-Michigan Office may hire or retain such contractors, sub-contractors, advisors, consultants and agents as the director may deem advisable and necessary, in accordance with relevant procedures,

statutes, rules and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of the powers of and performance of the duties of the office and the director.

I. The new e-Michigan Office may accept grants of funds and donations of funds, property, labor or other things of value from any department or office of the state of Michigan and the United States and from any other public or private office or person for the purpose of furthering e-Michigan services.

K. The Director of the new e-Michigan Office 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 such duty or power is delegated by the Director of the new e-Michigan Office.

L. All rules, orders, contracts and agreements relating to the functions transferred to the new e-Michigan Office by this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

M. Any suit, action or other proceeding lawfully commenced by, against or before any entity effected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

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

O. The e-Michigan Office established by Executive Order 2000-6 and the e-Michigan Advisory Council established by Executive Order 2000-6 are hereby abolished.

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 sixty (60) days from the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 22nd day of February, in the Year of our Lord, Two Thousand Two.

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:

February 21, 2002

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

Director, Michigan Department of Corrections

Mr. William S. Overton, 5086 Madison Avenue, Apartment B-3, Okemos, Michigan 48864, county of Ingham, succeeding Mr. William J. Martin of Battle Creek, who has resigned, for a term expiring at the pleasure of the Governor.

February 21, 2002

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

Director, Michigan Department of State Police

Colonel Stephen D. Madden, 2276 Tiffany Lane, Holt, Michigan 48842, county of Ingham, succeeding Colonel Michael D. Robinson of East Lansing, who has resigned, for a term expiring at the pleasure of the Governor.

February 22, 2002

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

Lake Superior State University Board of Trustees

Mr. Charles J. Schmidt, 3736 Newcastle Drive, Rochester Hills, Michigan 48306, county of Oakland, as a member representing the general public, succeeding Mr. William R. Gregory of Sault Ste. Marie, whose term has expired, for a term expiring on January 27, 2010.

Mr. Gary R. Benjamin, 1015 East E Street, Iron Mountain, Michigan 49801, county of Dickinson, as a member representing the general public, succeeding Mr. C. Eugene Chang of Williamsburg, who has resigned, for a term expiring on January 27, 2004.

Ms. Barbara J. Cliff, 2286 Dunstable, Birmingham, Michigan 48009, county of Oakland, as a member representing the general public, succeeding Mrs. Sue Ann Harrison of Pickford, whose term has expired, for a term expiring on January 27, 2010.

February 22, 2002

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

State Building Authority

Mr. Robert C. Carr, 1771 Sashabaw Drive, Okemos, Michigan 48864, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on August 21, 2003.

Ms. Rhonda K. Grant, 6830 Holmes Highway, Eaton Rapids, Michigan 48827, county of Eaton, as a member representing the general public, succeeding Mrs. Mara Regina Ghafari of Bloomfield Hills, whose term has expired, for a term expiring on August 21, 2005.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Young as Chairperson.

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

House Bill No. 4987, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2000 PA 436.

Senate Bill No. 1096, entitled

A bill to amend 1937 PA 10, entitled "An act to define the use of travel aids by blind persons; to provide protection against accidents to such persons; to require instruction and examination in certain circumstances; and to provide penalties for violation hereof," by amending sections 1a and 2 (MCL 752.51a and 752.52), section 1a as added and section 2 as amended by 1986 PA 62.

House Bill No. 4022, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2000 PA 167.

House Bill No. 5337, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2000 PA 6.

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

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

House Bill No. 5119, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525).

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.

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

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

Senate Resolution No. 174

Senate Resolution No. 175

The resolution consent calendar was adopted.

Senators Shugars, Young, Gougeon, Schuette, North, Steil, Van Regenmorter, McManus, Johnson, McCotter, Stille, Bennett, Emmons, Gast, Schwarz, Hoffman, Hammerstrom, Dunaskiss, Garcia, Murphy, Hart and Peters offered the following resolution:

Senate Resolution No. 174.

A resolution commemorating the 75th Anniversary of the R.L. Deppmann Company.

Whereas, Michigan's economy is vibrant because of the contribution of entrepreneurs who meet customer needs and provide employment opportunities for the citizens of this Great Lakes State. For 75 years, the R.L. Deppmann Company has met the needs of Michigan industrial plants, wholesalers, contractors, institutions, and homeowners. The success and growth of the R.L. Deppmann Company reflects the industrial history of our state; and

Whereas, The R.L. Deppmann Company was founded by Ray Louis Deppmann in Detroit in 1927. A pipefitter by trade, Mr. Deppmann and business partner Fred Cooper began selling damper motor sets for the coal and wood boilers of the day. Eventually, the company began representing leading innovative manufacturers; and

Whereas, Over the 75-year history of the corporation, it has also expanded to locations in the Grand Rapids and Saginaw areas during three generations of corporate leadership. The march of technology has resulted in new and innovative heating and plumbing products, and the drafting table has given way to computer-aided design/manufacturing (CAD/CAM). Yet the more things change, the more they stay the same. The R.L. Deppmann Company's corporate culture of commitment to customer satisfaction, integrity, and a family atmosphere among employees is timeless and continues today; now, therefore, be it

Resolved by the Senate, That tribute be hereby accorded to commemorate the 75th Anniversary of the R.L. Deppmann Company; and be it further

Resolved, That copies of this resolution be transmitted to the Southfield, Grand Rapids, and Saginaw offices of the R.L. Deppmann Company as evidence of our best wishes.

Senators Murphy, Scott, Young and Smith offered the following resolution:

Senate Resolution No. 175.

A resolution offering high praise, tribute, and profound respect to the St. Martin DePorres High School Eagles Football Team, Michigan High School Athletic Association Division 7 State Champions.

Whereas, It is a pleasure to join with the families, the entire school, and the city of Detroit in celebrating the achievements of the St. Martin DePorres High School Eagles Football Team on its wonderful success over the season. With the fine record of 10 wins and only 3 losses, culminating in a 2001 Michigan High School Athletic Association Division 7 state championship, this group of disciplined student-athletes has generated great pride within our state; and

Whereas, Much to the delight of their loyal fans, the Eagles have also earned the respect of prep sports followers in Michigan through their talent, teamwork, and determination. As opponents have discovered all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of young people who maintain their focus on making their dreams come true and accepting nothing less than their best effort; and

Whereas, Winning their first Division 7 title in 1978, the Eagles have compiled an unparalleled record of outstanding seasons. Overall, St. Martin DePorres has won 11 state championships, by far making the football team one of the state's premier and storied programs. The Eagles have never lost a championship game. What distinguishes the team members best, however, is their sportsmanship and their character on and off the playing field. We admire the efforts, team spirit, and preparation of these talented young people; now, therefore, be it

Resolved by the Senate, That the members of this legislative body congratulate the players and coaches of the St. Martin DePorres High School Eagles Football Team upon the occasion of its Michigan High School Athletic Association Division 7 state championship; and be it further

Resolved, That copies of this resolution be transmitted to Principal Sunbeam Hughes, Head Coach Greg Carter, and the team as a token of our esteem.

Senators McManus, Koivisto, North, Gougeon, Schwarz, Steil, Schuette and Hoffman offered the following concurrent resolution:

Senate Concurrent Resolution No. 53.

A concurrent resolution to memorialize the Congress of the United States to turn over the management of federal forest lands to the states through a block grant program.

Whereas, In recent years, our country has benefited from public policy encouraging the states to assume responsibility for tasks long handled by the federal government. Experts in many fields have come to accept the

wisdom of utilizing state expertise and resources to deal with problems that are best addressed locally rather than from Washington, D.C.; and

Whereas, The management of public forest lands is another area that should be turned over to states through a program of block grants. Michigan, with more public forests than any other state in the eastern portion of the country, has compiled an impressive record of success in the management of its resources. The condition of Michigan's state forest acreage is a model for other parts of the country; and

Whereas, There are several sound reasons why forest management would be more efficiently and productively managed by the state instead of the federal government. State management offers flexibility, rather than a "one size fits all" approach; shorter lines of communication; better communication within local regions; and generally lower overall costs. State control over forest operations in Michigan will more accurately reflect our citizens' historic sense of commitment and investment in this vitally important resource; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to turn over the management of federal forest lands to the states through a block grant program; 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 concurrent resolution be referred to the Committee on Government Operations,

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Emmons moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

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

Senator Bullard offered the following resolution:

Senate Resolution No. 172.

A resolution to memorialize the Congress of the United States to support federal assistance, through the Transportation Efficiency Act, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project.

Whereas, Blockage of the Cogshall Road crossing creates a life-threatening danger to residents in Holly Shores, a mobile home subdivision, when emergency vehicles cannot gain access; and

Whereas, Proximity of wetland limits the areas that can be used to address the problem; and

Whereas, Local, state, and railroad matching contributions will be used in conjunction with the Transportation Efficiency Act (TEA-21) grant to extend a passing siding to ensure no extended blockage and thus access for emergency vehicles; and

Whereas, A permanent resolution is necessary to address this significant safety problem; now, therefore, be it

Resolved by the Senate, That the members of this legislative body memorialize the Congress of the United States to approve federal assistance, through the TEA-21 grant program, for the Village of Holly/Rose Township Michigan Highway-Rail Life Safety Access Project; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

Senator Byrum offered the following resolution:

Senate Resolution No. 173.

A resolution to urge the United States Department of Energy and the National Science Foundation to develop the Rare Isotope Accelerator at Michigan State University.

Whereas, Basic scientific research provides a foundation of knowledge that makes possible advances in virtually all fields. Gaining new understanding of elements can lead to discoveries that can impact every activity, from agriculture to medicine to commerce. In an effort to spur our country to new achievements, the federal government is committed to developing the Rare Isotope Accelerator. This major project has significant implications for our country and our state; and

Whereas, Michigan's achievements in scientific research are well-established. Our universities have spearheaded several breakthroughs that reap benefits for the world today. The establishment of the Life Sciences Corridor is an example of the commitment our state has made to advancing the frontiers of knowledge; and

Whereas, The Rare Isotope Accelerator will be dedicated to producing and exploring isotopes of elements that cannot be found in nature today. The work will, however, be similar to the kinds of research activity conducted at the National Superconducting Cyclotron Laboratory at Michigan State University. This highly regarded facility has demonstrated its value to the country with a proven record of accomplishment and cost effectiveness. While the new accelerator will be many times more powerful, the existing resources, infrastructure, and personnel at Michigan State University have made the National Superconducting Cyclotron Laboratory the leading rare isotope research facility in the country; and

Whereas, Locating the Rare Isotope Accelerator at Michigan State University is a logical extension of the commitment the nation has already made. The university has developed ambitious plans for this next generation of isotope research. Renewing the country's wise investment by locating the new Rare Isotope Accelerator at Michigan State University is a decision that is in the country's best interest for many reasons; now, therefore, be it

Resolved by the Senate, That we urge the United States Department of Energy and the National Science Foundation to develop the Rare Isotope Accelerator at Michigan State University; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy and the National Science Foundation.

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

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

The resolution was adopted.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Byrum's statement is as follows:

As was stated when the resolution was read in, this would urge the United States Department of Energy and the National Science Foundation to develop the Rare Isotope Accelerator at Michigan State University, which I have the privilege to represent here in the Michigan Senate. Basic scientific research provides a foundation of knowledge that makes possible advances in virtually all fields. Gaining new understanding of elements can lead to discoveries that can impact every activity from agriculture to medicine to commerce. In an effort to spur our country to new achievements, the federal government is committed to developing the Rare Isotope Accelerator. This major project has significant implications for our country and our state, and I would urge the body to support the resolution.

There will be a presentation that the university will be facilitating in the next two weeks.

Introduction and Referral of Bills

Senators Peters and Byrum introduced

Senate Bill No. 1131, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 1996 PA 476.

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

Senator DeBeaussaert introduced

Senate Bill No. 1132, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Senator DeBeaussaert introduced

Senate Bill No. 1133, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

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

Senator DeBeaussaert introduced

Senate Bill No. 1134, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5801 and 5867 (MCL 600.5801 and 600.5867) and by adding section 5867a.

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

Senator DeBeaussaert introduced

Senate Bill No. 1135, entitled

A bill to amend 1945 PA 200, entitled "An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof," by amending section 1 (MCL 565.101), as amended by 1997 PA 154.

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

Senators DeBeaussaert and McManus introduced

Senate Bill No. 1136, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 1 (MCL 41.801), as amended by 1998 PA 545, and by adding section 1a.

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

Senators Stille, Schwarz, Sikkema, Hoffman, McManus and North introduced

Senate Bill No. 1137, entitled

A bill to authorize the issuance of general obligation bonds of this state to finance infrastructure improvements at Michigan public schools and local sewage treatment improvements; to pledge the full faith and credit of this state for the payment of principal and interest on the bonds; to pay for issuing the bonds; to provide for other measures relating to the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of this state.

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

House Bill No. 4554, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509t and 761 (MCL 168.509t and 168.761), section 509t as amended by 1998 PA 21 and section 761 as amended by 1996 PA 207.

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 Government Operations.

House Bill No. 4642, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 1998 PA 21.

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 Government Operations.

House Bill No. 5136, entitled

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

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

The bill was read a first and second time by title and referred to the Committee on Farming, Agribusiness and Food Systems.

House Bill No. 5611, entitled

A bill to amend 1895 PA 16, entitled "An act requiring the secretary of state and the deputy secretary of state and the private secretary and executive clerk of the governor to give bonds for the faithful discharge of their official duties," by amending section 1 (MCL 15.51).

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

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

House Bill No. 5612, entitled

A bill to amend 1958 PA 204, entitled "An act to fix the compensation and mileage of constitutional convention delegates," by amending section 3 (MCL 2.53).

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

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

House Bill No. 5613, entitled

A bill to amend 1872 PA 62, entitled "An act regulating trials of impeachment and providing for the expenses thereof," by amending section 15 (MCL 6.15).

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

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

House Bill No. 5614, entitled

A bill to amend 1901 PA 6, entitled "An act to provide for the employment of clerks or assistants in the executive office of this state," by amending section 1 (MCL 10.11).

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

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

House Bill No. 5615, entitled

A bill to amend 1846 RS 12, entitled "Of certain state officers," by amending section 36 (MCL 15.36).

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

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

House Bill No. 5674, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 821, 822, and 8148 (MCL 600.821, 600.822, and 600.8148), section 821 as amended by 1998 PA 298 and section 822 as amended by 1998 PA 313, and by adding sections 810a and 8179.

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

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

Recess

Senator Emmons moved that the Senate recess until 12:30 p.m.

The motion prevailed, the time being 11:43 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:31 p.m.

12:48 p.m.

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

By unanimous consent the Senate returned to the order of
General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Young as Chairperson.

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

Senate Bill No. 690, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 133 (MCL 259.133), as amended by 1996 PA 370, and by adding sections 126d, 126e, 126f, 126g, 126h, 126i, and 126j.

Substitute (S-8).

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

1. Amend page 9, following line 20, by inserting:
 "(5) THE DEPARTMENT SHALL NOT PROMULGATE RULES UNDER THIS CHAPTER."
2. Amend page 11, line 18, after "SPOUSE" by inserting "OR HIS OR HER SIBLINGS".
3. Amend page 11, line 18, after "CHILDREN" by inserting "OR THEIR SPOUSES".
4. Amend page 11, line 19, after "SIBLINGS" by inserting "OR THEIR SPOUSES".
5. Amend page 11, line 25, after "SPOUSE" by inserting "OR HIS OR HER SIBLINGS".
6. Amend page 11, line 25, after "CHILDREN" by inserting "OR THEIR SPOUSES".
7. Amend page 11, line 26, after "SIBLINGS" by inserting "OR THEIR SPOUSES".
8. Amend page 16, line 27, after "AUTHORITY" by inserting "AND AIRPORT INCLUDING, BUT NOT LIMITED TO, ALL CONTRACTORS AND SUBCONTRACTORS".
9. Amend page 20, line 12, after "DETERMINES" by inserting "AND DETAILS".
10. Amend page 20, line 12, after "WRITING" by inserting "THE REASON".
11. Amend page 37, line 24, after "AGREEMENT." by inserting "NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A POLITICAL APPOINTEE AT AN AIRPORT PREVIOUSLY OPERATED BY THE LOCAL GOVERNMENT FROM WHICH OPERATIONAL AUTHORITY HAS BEEN TRANSFERRED TO AN AUTHORITY SHALL NOT BE PLACED IN A WORSE POSITION IN REGARDS TO TERMS AND CONDITIONS OF EMPLOYMENT UNTIL DECEMBER 31 OF THE YEAR IN WHICH THE AUTHORITY IS CREATED."
12. Amend page 41, line 4, after "AIRPORTS" by inserting "THAT HOLD AN AIR CARRIER OPERATING CERTIFICATE ISSUED BY THE FAA,".

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.

Committee Reports

The Committee on Education reported

House Bill No. 4672, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1178a.

With the recommendation that the bill pass.

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

Loren Bennett
 Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217.

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.

Loren Bennett
 Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille and Peters

Nays: None

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

The Committee on Education reported

House Bill No. 5139, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1139.

With the recommendation that the bill pass.

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

Loren Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5327, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1165.

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.

Loren Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson and Stille

Nays: None

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

The Committee on Education reported

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.

With the recommendation that the bill pass.

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

Loren Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

House Bill No. 5483, entitled

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

With the recommendation that the bill pass.

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

Loren Bennett

Chairperson

To Report Out:

Yeas: Senators Bennett, Johnson, Stille and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, February 20, 2002, at 3:30 p.m., Room 210, Farnum Building

Present: Senators Bennett (C), Johnson, Stille, Peters and Leland

The Committee on Judiciary reported

House Bill No. 5041, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 104.

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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Dingell

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. 5295, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2 to chapter II.

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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Schuette, Peters and Dingell

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. 5349, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2001 PA 74.

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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Schuette, Peters and Dingell

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. 5496, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403, 30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3, 7, 8, 9, 10, and 11 as amended and section 7a as added by 1990 PA 50, and by adding section 21; and to repeal acts and parts of 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.

William Van Regenmorter

Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Schuette, Peters and Dingell

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. 5506, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 204a (MCL 750.204a), as amended by 1998 PA 208.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5507, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5509, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 411j (MCL 750.411j), as amended by 1997 PA 75.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, Dingell and Scott

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. 5512, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 543x. 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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, Dingell and Scott

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. 5513, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701 and 4702 (MCL 600.4701 and 600.4702), section 4701 as amended by 2000 PA 184 and section 4702 as added by 1988 PA 104.

With the recommendation that the bill pass.

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, Peters, Dingell and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Wednesday, February 20, 2002, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters, Dingell and Scott

The Committee on Human Resources and Labor reported

Senate Bill No. 717, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 19 (MCL 125.1519).

With the recommendation that the bill pass.

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

Glenn D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Sanborn and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Human Resources and Labor reported

Senate Bill No. 1015, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," (MCL 421.1 to 421.75) by adding section 13/.

With the recommendation that the bill pass.

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

Glenn D. Steil
Chairperson

To Report Out:

Yeas: Senators Steil, Sanborn and Scott

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Human Resources and Labor submitted the following:
 Meeting held on Wednesday, February 20, 2002, at 1:01 p.m., Room 110, Farnum Building
 Present: Senators Steil (C), Sanborn, North and Scott
 Excused: Senator Cherry

The Committee on Farming, Agribusiness and Food Systems reported
Senate Bill No. 989, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8302, 8303, 8304, 8305, 8306, 8309, 8310, 8311, 8312, 8313, 8314, 8317, 8318, 8319, 8322, 8327, 8329, 8330, and 8333 (MCL 324.8302, 324.8303, 324.8304, 324.8305, 324.8306, 324.8309, 324.8310, 324.8311, 324.8312, 324.8313, 324.8314, 324.8317, 324.8318, 324.8319, 324.8322, 324.8327, 324.8329, 324.8330, and 324.8333), section 8319 as amended by 1996 PA 312, and by adding sections 8307a, 8307b, 8307c, 8307d, 8307e, and 8307f; and to repeal acts and parts of acts.

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.

George A. McManus, Jr.
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart
 Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported
House Concurrent Resolution No. 50.

A concurrent resolution to approve certain designated open space land applications.
 (For text of resolution, see Senate Journal No. 9, p. 150.)

With the recommendation that the concurrent resolution be adopted.

George A. McManus, Jr.
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Hart
 Nays: None

The concurrent resolution was placed on the order of Resolutions.

The Committee on Farming, Agribusiness and Food Systems reported
House Bill No. 5434, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending the title and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22 (MCL 285.62, 285.63, 285.64, 285.65, 285.66, 285.67, 285.68, 285.69, 285.70, 285.71, 285.72, 285.73, 285.74, 285.75, 285.76, 285.78, 285.79, 285.80, 285.81, and 285.82), the title as amended by 1984 PA 169, sections 2, 3, 5, 6, and 18 as amended and section 21 as added by 1996 PA 311, and section 7 as amended by 1982 PA 33, and by adding sections 17, 23, 24, 25, 26, 27, and 28; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

George A. McManus, Jr.
 Chairperson

To Report Out:

Yeas: Senators McManus, Stille, Gougeon and Byrum
 Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submitted the following:
 Meeting held on Wednesday, February 20, 2002, at 1:00 p.m., Room 405, Capitol Building
 Present: Senators McManus (C), Stille, Gougeon, Byrum and Hart

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Community Health submitted the following:

Meeting held on Thursday, February 21, 2002, at 1:30 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower
Present: Senators Gougeon (C), Schwarz, Smith and Murphy
Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Higher Education submitted the following:

Meeting held on Friday, February 22, 2002, at 9:30 a.m., Oakland University, 242 Elliott Hall, Rochester
Present: Senators Schwarz (C) and Hoffman
Excused: Senators McManus, Koivisto and Smith

Scheduled Meetings

Appropriations - Wednesday, February 27, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittees -

Community Health - Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

Corrections - Wednesday, February 27, 1:00 p.m., Room 100, Farnum Building, and Tuesday, March 5, 1:00 p.m., Room 210, Farnum Building (373-2413)

Environmental Quality - Tuesday, March 5, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Higher Education - Friday, March 1, 10:00 a.m., Calvin College, 3201 Burton S.E., Hekman Library, Meeter Center Lecture Hall, Grand Rapids; and Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

Natural Resources - Wednesdays, February 27, 3:00 p.m. or later immediately following Appropriations Committee meeting, and March 6, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

School Aid and Department of Education - Tuesday, March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

Banking and Financial Institutions - Thursday, February 28, 8:30 a.m., Room 210, Farnum Building (373-2420)

Families, Mental Health and Human Services - Wednesday, February 27, 3:00 p.m., Room 100, Farnum Building (373-3543)

Hunting, Fishing and Forestry - Wednesday, February 27, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7670)

Judiciary - Wednesday, February 27, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-6920)

Legislative Council - Tuesday, March 5, 1:00 p.m., Room 426, Capitol Building (373-0212)

Senior Citizens and Veterans Affairs - Thursday, February 28, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2417)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 1:06 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, February 27, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

