

No. 17
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, February 27, 2002.

10:00 a.m.

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

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—excused
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 Dianne Byrum of the 25th District offered the following invocation:

Dear God, we thank You today for all things beautiful. You have been so kind to us, and we appreciate this.

We ask You for guidance as we continue to follow in Your Son's footsteps. Remind us of Your instruction to defend the poor, unfortunate, and those who are not able to advocate on their own behalf. May we all strive to do the will You have planned for us.

May we be as bold as President Carter who once said, "I have one life and one chance to make it count for something. I'm free to choose what that something is, and the something I've chosen is my faith. Now my faith goes beyond theology and religion and requires considerable work and effort. My faith demands—this is not optional—that I do whatever I can, wherever I can, whenever I can, for as long as I can, with whatever I have to try to make a difference."

Today, we accept the challenge to follow our faith. Amen.

Motions and Communications

Senator Emmons moved that Senators Bullard, Dunaskiss, McCotter, McManus, Schuette and Schwarz be temporarily excused from today's session.

The motion prevailed.

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

The motion prevailed.

Senator Emerson moved that Senator Murphy be excused from today's and tomorrow's sessions.

The motion prevailed.

Senators McManus, Miller, McCotter, Schuette, Schwarz, Bullard and Dunaskiss entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 26:

House Bill Nos. 5021 5108 5109 5110 5111 5112 5113 5114 5591

By unanimous consent the Senate proceeded to the order of

Messages from the House

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

Senate Bill No. 692

The motion prevailed.

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.

(For text of amendments, see Senate Journal No. 16, p. 389.)

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 205

Yeas—35

Bennett
Bullard
Byrum

Emmons
Garcia
Gast

Koivisto
Leland
McCotter

Schwarz
Scott
Shugars

Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson

Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson

McManus
Miller
North
Peters
Sanborn
Schuette

Sikkema
Smith
Stille
Van Regenmorter
Young

Nays—1

Steil

Excused—2

Murphy

Vaughn

Not Voting—0

In The Chair: President

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

The motion prevailed.

Senator Smith's statement is as follows:

I also urge my colleagues to concur in the House amendments, but I rise to speak to the process. The Democrats on the Appropriations Committee, I think, in good faith passed the bill out of the Appropriations Committee with the understanding that we would work together on the floor to try to identify a different funding source for the zero-interest loans. That did not happen. The bill was once again jammed through after the agreement to seek a different funding source, passed on to the House, and is coming back to us within a two-week period of time. It's a problem when we always say we will work together to do something that the majority of the committee seem to agree to do, and then when the bill hits the floor, all agreements are forgotten. So I object to the process, but I support the bill.

Senate Bill No. 592, entitled

A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending sections 14 and 18 (MCL 550.914 and 550.918); and to repeal acts and parts of acts.

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.

Senator Scott moved that rule 3.902 be suspended to allow her guests admittance to the Senate floor, including the center aisle, after the recess.

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

Recess

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

The motion prevailed, the time being 10:13 a.m.

11:07 a.m.

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

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

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

Recess

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

The motion prevailed, the time being 11:08 a.m.

11:14 a.m.

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

During the recess, Senator Scott introduced to the Senate the St. Martin DePorres High School Eagles Football Team, Michigan High School Athletic Association Division 7 State Champions, and presented them with Senate Resolution No. 175.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received and read:

February 26, 2002

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

Board of Health and Safety Compliance and Appeals

Mr. David S. Zurvalec, 4528 Oak Pointe Drive, Brighton, Michigan 48116, county of Livingston, as a member representing management in industry, succeeding himself, for a term beginning on March 19, 2002, and expiring on March 18, 2006.

Mr. John K. Folts, 7326 Kesslering Street, Davison, Michigan 48423, county of Genesee, as a member representing labor in industry, succeeding himself, for a term beginning on March 19, 2002, and expiring on March 18, 2006.

February 26, 2002

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

Michigan Higher Education Assistance Authority

Mr. Donald W. Nugent, 1225 Forrester Road, Frankfort, Michigan 49635, county of Benzie, as a member representing Michigan State University, succeeding Dr. Fred R. Whims of Okemos, who has resigned, for a term expiring on May 22, 2004.

Dr. Eugene J. Hamilton, 4651 Wall Street, Saginaw, Michigan 48603, county of Saginaw, as a member representing 4-year colleges and universities, succeeding himself, for a term expiring on May 22, 2002.

Dr. Curtis J. Tompkins, President, Michigan Technological University, 1400 Townsend Drive, Houghton, Michigan 49931-1295, county of Houghton, as a member representing 4-year colleges and universities, succeeding Ms. Susan Reardon of Big Rapids, who has resigned, for a term expiring on May 22, 2003.

Ms. Cynthia H. Wilbanks, 6025 Vista Drive, Ypsilanti, Michigan 48197, county of Washtenaw, as a member representing the University of Michigan, succeeding Mr. Richard L. Kennedy of Ann Arbor, whose term has expired, for a term expiring on May 22, 2002.

Ms. Faye Alexander Nelson, 5846 Clearview Drive, Troy, Michigan 48098, county of Oakland, as a member representing Wayne State University, succeeding Ms. Kaye M. Patten of Southfield, whose term has expired, for a term expiring on May 22, 2005.

February 26, 2002

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

Michigan Plum Committee

Mr. Nels W. Nyblad, 17965 Hall Road, Casnovia, Michigan 49318, county of Muskegon, as a member representing growers from central Michigan, succeeding Mr. Stanley P. Barauskas of Ludington, whose term has expired, for a term expiring on July 1, 2004.

Mr. Glenn F. LaCross, 5536 Sharnowski Road, Cedar, Michigan 49621, county of Leelanau, as a member representing growers from northern Michigan, succeeding himself, for a term expiring on July 1, 2003.

Mr. Gary R. Fredrickson, 10201 N. Foxview Drive, Northport, Michigan 49670, county of Leelanau, as a member representing growers from northern Michigan, succeeding himself, for a term expiring on July 1, 2003.

Mr. Trever G. Meachum, 60930 52nd Avenue, Hartford, Michigan 49057, county of Van Buren, as a member representing growers from southern Michigan, succeeding himself, for a term expiring on July 1, 2004.

Mr. Martin Joseph Daly, 3750 W. Jackson Road, Hart, Michigan 49420, county of Oceana, as a member representing growers from central Michigan, succeeding himself, for a term expiring on July 1, 2004.

Mr. Paul J. Rood, 72723 C.R. 378, Covert, Michigan 49043, county of Van Buren, as a member representing growers from southern Michigan, succeeding himself, for a term expiring on July 1, 2004.

Ms. Jodi Nichols, 806 E. Filer Street, Ludington, Michigan 49431, county of Mason, as a member representing growers at large, succeeding herself, for a term beginning on July 2, 2002 and expiring on July 1, 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
Third Reading of Bills

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

House Bill No. 5337

The motion prevailed.

The following bill was read a third time:

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 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. 206

Yeas—35

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

Nays—0

Excused—2

Murphy

Vaughn

Not Voting—1

Garcia

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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

Senator Leland moved that consideration of the following bill be postponed temporarily:

Senate Bill No. 809

The motion prevailed.

Senators Scott, Leland, Schuette and Van Regenmorter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

As I did last week, I rise again today to urge my colleagues to defeat this bill. As you may recall, this bill would allow police officers and corrections guards to carry and use stun guns, short-barreled shotguns, and switchblade knives. Last week, I spoke of my concern regarding the use of short-barreled shotguns. I pointed out that the potential for harm to innocent bystanders is substantially increased when using a weapon with a wide angle of fire.

Today, I wish to address the sordid history of the abuse of stun guns and stun belts by police officers and corrections guards in other states. Now you will undoubtedly hear today that stun guns and taser guns are a nonlethal alternative to the use of deadly force. But are they?

Perhaps those who think so should read an article published in 1997 by the respected medical journal, *The Lancet*, in which a forensic pathologist who served as the deputy medical examiner for the cities of San Francisco and Los Angeles describes nine deaths caused by police officers using tasers in those localities.

Or perhaps they should read several articles that appeared in 2000 in *The Times* in Roanoke, Virginia, that discusses the death of a diabetic inmate in a Virginia prison who died from repeated jolts of 50,000 volts of electricity shot from a stun gun by prison guards. This incident led to an investigation by the U.S. Department of Justice of the abuse of stun guns by prison guards and a subsequent moratorium on the use of stun guns in Virginia prisons, but not until after the Virginia Department of Corrections attempted to whitewash the incident by publishing a bogus report.

Or perhaps the proponents of this bill have not heard of the many other deaths linked to police or prison guard use of stun guns and taser guns that have occurred in several other locations around this country in the past 15 years.

Now I am sure that another argument that the proponents of this legislation will use today is that the use of stun guns is a more humane alternative to the use of deadly force. But is that really how these weapons are used?

Perhaps they should ask Jaime Ramirez of Los Angeles, who was apprehended in 1987 with a sack full of stereo parts, and then tortured by police officers by repeated blasts from a stun gun until he confessed to stealing the equipment. The two officers involved in this incident were subsequently fired, and the city settled with Mr. Ramirez for \$300,000. Mr. Ramirez was only 17 years old!

Or perhaps the proponents should read a report filed by the U.S. Department of Justice in 1996 regarding the Maricopa County Jail in Phoenix, Arizona. The report relates how guards at the jail were known to use stun guns on prisoners simply to see its effect. The report also cites use of a stun device on a prisoner's testicles while in a restraint chair.

Perhaps the proponents of this bill do not recall the incident in 1996 when guards at a privately-operated Texas prison used attack dogs and stun guns to assault prisoners, an incident that was videotaped and replayed on national network news programs.

Several articles in the *New York Times* in 1985 detailed how four officers of the 106th Precinct in Queens, New York, used stun guns on captive suspects to induce them to confess. The city of New York ultimately paid \$1 million to three men to settle the case. Five top police commanders were forced to resign, and a sergeant and two officers were convicted of assault and other charges with sentences as long as six years.

In Covington, Louisiana, in 1999 a man was assaulted by police officers using stun guns after he was pulled over and detained for allegedly running a stop sign.

In the Portland, Oregon, newspaper, *The Oregonian*, in 1998 several articles discussed the conviction of several corrections officers at the Oregon State Penitentiary who tortured prisoners with stun guns and then lied to investigators about the incident.

Now I ask you, colleagues, is this the sort of humane alternative that the proponents of this bill are speaking of? The fact of the matter is that the supposed nonlethal nature of these weapons is simply too great a temptation for some police officers and prison guards. In situations where deadly force could never be justified, they feel it is okay to just give prisoners and suspects a blast from the stun gun. I say to you today, let us not lead these people into temptation, but instead let us deliver them from evil by defeating this wrong-headed legislation.

Senator Leland's statement is as follows:

I rise to vote against this bill. I think this bill ought to be named Geoffrey Feiger full-employment bill because I see what's going to be coming down the road if this bill passes. I represent a city that struggles with an incredible amount of lawsuits. We paid out something like \$124 million in the last ten years in Detroit with lawsuits. We pay out more money in Detroit than any other municipal government in the state of Michigan. We don't exactly—in my town—have a great record on human rights. In fact, you all know that currently we are being investigated by the Justice Department, by Amnesty International for human rights violations. My grave concern is if we allow these kinds of contraptions—electric devices, stun guns, knives, stilettos, shotguns, and whatever—that there will be some flagrant abuses by our local law enforcers because, frankly, they don't have a very good history.

I can't support this legislation; it makes no sense at all. In the past, I recall years ago that we were using these electronic devices known as stun guns in some of our prison lock-ups in Detroit. It may be fresh in the minds of some of you members. They were using it, and they were abusing it. They were literally torturing people in Detroit jail lock-ups with their stun guns. And now we want to say, okay, go ahead. Let's now give you the ability to use these devices, continue to torture our constituents, and do what you want. It's all-out war on folks who will be in lock-up.

This is just going to end up in a disaster. Besides violating their rights, we're going to have tens of millions of dollars in lawsuits, and we just can't afford this kind of payout in Detroit. We've been stung pretty badly in the past, so to speak, and this kind of bill has just got to fail. I hope that you folks will vote against this legislation.

Senator Schuette's statement is as follows:

My colleagues have expressed in a very articulate way the importance of this bill. With the leadership of Senator Garcia, Senator Van Regenmorter, the chairman of the Judiciary Committee, and Senator Hoffman, who has extensive law enforcement history himself, what they have done is really capture the essence of this argument. We need to make sure that law enforcement officials with the proper training, safeguards, and experience in how to use them have additional tools, firearms, and weapons.

This is an important bill because the folks who cause havoc in our lives and cause problems on our streets and in our communities have these weapons. Really, I just collapse it this way: This is a bill about making sure the cops—the good guys—have the same weapons the crooks—the bad guys—have. We ought to make sure that the good guys—the cops and law enforcement officials—have the same tools that the crooks and the bad guys have.

I would urge adoption of this bill and passage today.

Senator Van Regenmorter's statement is as follows:

I think we want to identify the players a little bit before we make a judgment on how the game should be conducted. We're talking about the people who formed that thin but critically important line between grave danger for all of us and safety. We're talking about law enforcement. Law enforcement doesn't act perfectly because it's made up of human beings like every member here, but it is responsible for providing for the safety of others.

Today's front page in one of the major Detroit newspapers talks about a killing where 12 shots were fired, a small child killed, and three small children injured. I think we're paying a little too much attention to the bad guy and not

enough attention to the people who we ask to put their lives on the line every single day, and for whom I think we ought to permit the kind of tools that are necessary to maintain control over those who would seek to do the rest of us harm.

The idea of tasers, which are viewed as nonlethal, but which can be misused and when they are, even when it's law enforcement, they're subject to penalties. In fact, my good colleague, Senator Scott, described some cases where there was apparent misuse, and in those cases, there were penalties applied.

We have a wonderful law enforcement training system in Michigan now, a particularly powerful one—the envy of the rest of the states—called MCOLES, the Michigan Commission on Law Enforcement Standards. They provide for training of our law enforcement officers, and the result of their operation has been, I believe, that we have the finest state and local law enforcement officers in this country. We need to give them the tools they need.

Now included in this bill is the taser, and that is the focus of much of the debate today. But don't forget we also are providing for sawed-off shotguns, something that is again necessary under some extreme circumstances. But when those extreme circumstances occur, we want to make sure that those law enforcement officers have the tools they need. Switchblades are also included in this bill. They are often used—officers tell me—to cut people loose from seat belts in accidents before something worse happens. It makes sense. It doesn't make sense, it seems to me, to withhold important tools, important resources, which law enforcement officers use to protect the rest of us. If they are misused, the system is already in place to deal with that. So I urge that we support Senate Bill No. 809.

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

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

Senate Bill No. 690

House Bill No. 4987

House Bill No. 5119

Senate Bill No. 1096

House Bill No. 4022

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 690, entitled

A bill to amend 1945 PA 327, entitled “Aeronautics code of the state of Michigan,” (MCL 259.1 to 259.208) by amending the title and by adding chapter VIA.

The question being on the passage of the bill,

Senator Bennett offered the following amendment:

1. Amend page 11, line 8, after “A” by striking out the balance of the subsection and inserting “PERSON SHALL NOT BE APPOINTED UNDER SUBSECTION (2) OR (3) AS A BOARD MEMBER IF HE OR SHE IS, OR WAS DURING THE 12 MONTHS PRECEDING THE DATE OF APPOINTMENT, AN ELECTED PUBLIC OFFICIAL OR EMPLOYEE OF THIS STATE OR AN AGENCY OR INSTRUMENTALITY OF THIS STATE, A LOCAL GOVERNMENT OR AN AGENCY OR INSTRUMENTALITY OF A LOCAL GOVERNMENT, OR THE FEDERAL GOVERNMENT OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Bennett offered the following amendment:

1. Amend page 37, line 24, after “POLITICAL APPOINTEE” by inserting a comma and “OTHER THAN A MEMBER OF THE BOARD APPOINTED UNDER SECTION 111.”.

The amendment was adopted, a majority of the members serving voting therefor.

Senator Leland offered the following amendments:

1. Amend page 9, line 23, after “OF” by striking out “7” and inserting “8”.

2. Amend page 10, following line 16, by inserting:

“(D) ONE BOARD MEMBER WHO IS 1 OF THE FOLLOWING, AS APPLICABLE:

(i) IF THE LOCAL GOVERNMENT THAT OWNS THE AIRPORT IS A COUNTY CONTAINING A CITY WITH A POPULATION OF 500,000 OR MORE, THE MAYOR OF THAT CITY.

(ii) IF SUBPARAGRAPH (i) DOES NOT APPLY, THE CHIEF EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT THAT OWNS THE AIRPORT.”.

3. Amend page 11, line 8, after “(2)(B)” by inserting “OR (D)”.

The amendments were not adopted, a majority of the members serving not voting therefor.

Senator Steil offered the following amendments:

1. Amend page 2, line 4, after "AUTHORITIES;" by inserting "PROVIDING FOR THE INCORPORATION OF PUBLIC AIRPORT AUTHORITIES AND PROVIDING FOR THE POWERS, DUTIES, AND OBLIGATIONS OF PUBLIC AIRPORT AUTHORITIES; PROVIDING FOR THE TRANSFER OF AIRPORT MANAGEMENT TO PUBLIC AIRPORT AUTHORITIES, INCLUDING THE TRANSFER OF AIRPORT LIABILITIES, EMPLOYEES, AND OPERATIONAL JURISDICTION;".
2. Amend page 5, line 19, after "A" by striking out the balance of the line and inserting "CERTIFICATE UNDER PART 139 OF CHAPTER 14 OF THE CODE OF FEDERAL REGULATIONS".
3. Amend page 6, line 20, after "OR" by striking out "CITY".
4. Amend page 7, line 1, after "MEANS" by inserting "A".
5. Amend page 7, line 2, after "IMPOSED" by striking out "AND" and inserting "AS".
6. Amend page 7, line 24, after "LAW." by inserting "AN AUTHORITY CREATED UNDER OR PURSUANT TO THIS SECTION ALSO SHALL BE THE AIRPORT MANAGER."
7. Amend page 8, line 15, after "AS" by striking out "A" and inserting "THE".
8. Amend page 8, line 16, after the first "THE" by inserting "QUALIFIED".
9. Amend page 8, line 20, after "OBTAIN" by inserting "FAA".
10. Amend page 8, line 22, after the second "THE" by inserting "QUALIFIED".
11. Amend page 9, line 1, after "AFTER" by striking out "THE" and inserting "A".
12. Amend page 9, line 18, after "SUBSECTION" by inserting a period and "THE COURT SHALL HEAR THE ACTION".
13. Amend page 11, line 14, after "(3)," by striking out "OR".
14. Amend page 11, line 14, after the first "OFFICER" by striking out "OR" and inserting a comma and "AND".
15. Amend page 13, line 23, after "AFTER" by striking out the balance of the line through "SOONER," on line 25 and inserting "THE DATE ON WHICH THE AUTHORITY IS CREATED,".
16. Amend page 15, line 9, after "BONDS" by inserting a comma and "INCLUDING SPECIAL FACILITIES BONDS,".
17. Amend page 15, line 9, after "OBLIGATIONS" by striking out the balance of the line through "BONDS," on line 11.
18. Amend page 15, line 13, after "HIRE" by inserting a comma and "REMOVE OR DISCHARGE,".
19. Amend page 16, line 24, after the first "OFFICER" by striking out "AND" and inserting a comma and "THE".
20. Amend page 16, line 25, after "AUTHORITY" by striking out "AND WITH" and inserting a comma and "AND".
21. Amend page 18, line 5, after "(F)" by striking out "APPOINTING" and inserting "THE APPOINTMENT OF".
22. Amend page 19, line 20, after "ORDERS," by striking out the balance of the line through "MORE," on line 21 and inserting "SUBSEQUENTLY EXCEEDS \$50,000.00;".
23. Amend page 24, line 14, after "CONDITIONS" by striking out "AS ARE".
24. Amend page 25, line 9, after "OTHER" by striking out "AGENCIES" and inserting "AGENCY".
25. Amend page 25, line 15, after "OR" by striking out the balance of the line through the second "OR" on line 16.
26. Amend page 27, line 3, after "POWER" by striking out the balance of the line through "CRIMINAL" on line 4 and inserting "TO INVESTIGATE AND ENFORCE THE".
27. Amend page 27, line 4, after "STATE" by striking out "AND" and inserting a comma.
28. Amend page 27, line 5, after "AUTHORITY," by striking out the balance of the line through "APPLIES" on line 6.
29. Amend page 27, line 7, after "REGULATIONS," by striking out "OF".
30. Amend page 27, line 10, after "CEEDINGS" by striking out "AGAINST OFFENDERS".
31. Amend page 28, line 14, after "OR" by striking out "A".
32. Amend page 28, line 27, after "TO" by inserting "DEFEND AND".

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

Senator Steil offered the following amendments:

1. Amend page 7, line 7, after "BY" by striking out the balance of the line through "47102(19)," on line 8 and inserting "SUBCHAPTER I OF CHAPTER 471 OF TITLE 49 OF THE UNITED STATES CODE, 49 U.S.C. 47101 TO 47134;".
2. Amend page 12, line 17, by striking out all of lines 17 through 19.
3. Amend page 36, line 13, after "THE" by striking out "EMPLOYEE" and inserting "EMPLOYEES".
4. Amend page 36, line 14, after "AND" by inserting "THE AUTHORITY".

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

Senator Miller offered the following amendment:

1. Amend page 37, line 9, after "MENT" by inserting "EXCEPT THAT ANY EMPLOYEE WHO AS OF THE EFFECTIVE DATE OF THIS CHAPTER HAS THE RIGHT, BY CONTRACT OR STATUTE, TO SUBMIT ANY

UNRESOLVED DISPUTES TO THE PROCEDURES SET FORTH IN 1969 PA 312, MCL 423.231 TO 423.247, SHALL CONTINUE TO HAVE THAT RIGHT.”

The amendment was adopted, a majority of the members serving voting therefor.

Senator Steil offered the following amendments:

1. Amend page 36, line 20, after “MAY” by inserting “AGREE TO”.
2. Amend page 36, line 21, after “AUTHORITY” by striking out the balance of the line through “ESTABLISHED.” on line 22 and inserting “ON OR BEFORE A DATE ESTABLISHED BY THE AUTHORITY. THE DATE ESTABLISHED BY THE AUTHORITY SHALL NOT BE LATER THAN THE APPROVAL DATE.”.

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

The question being on the passage of the bill,

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

Roll Call No. 207

Yeas—26

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Shugars
Byrum	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Sanborn	Stille
Emmons	Johnson	Schuette	Van Regenmorter
Garcia	Koivisto		

Nays—10

Cherry	Emerson	Peters	Smith
DeBeaussaert	Hart	Scott	Young
Dingell	Leland		

Excused—2

Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Cherry, Leland and Hart, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 690.

Senator Cherry’s first statement, in which Senator Leland concurred, is as follows:

This bill, obviously, has been the subject of a great deal of committee work here in the Senate. I know that Detroit Metro Airport is a significant, if not the most important, transportation cornerstone for Michigan. Anything that deals with Detroit Metro commands everyone’s attention.

Senator Miller succeeded in getting one amendment adopted that helped deal with a number of employee-protection issues that confront this agreement that we're dealing with. I've noticed that in the course of these negotiations that there's been a lot of focus on a number of appropriate topics. What seems to have gotten lost in the process is employee protections. There are some things in the bill that continue to make sure these employees will have a seamless transfer from current county employment to employment with the authority. Yet there still remains to be a number of issues to be dealt with.

There have been discussions going on. Those discussions have been positive, and I'm encouraged by that. My expectation and hope is that as the bill progresses from the Senate to the House that those discussions will be fruitful and yield a positive result. That has not yet occurred.

I am very concerned about employees having a seamless transfer. We've heard a lot about what's wrong and what's right with the airport. By and large, though, I think we'd all agree that the airport has a lot of very dedicated employees who work hard to make Detroit Metro function. This effort to alter the governance of the airport ought not negatively impact their employment.

Until that happens, I don't feel I can support the bill. I'm encouraged there are positive discussions. I'm encouraged that things are headed in the right direction, but the job has not yet been done. Until we have completed that work, I am reluctant to vote for the bill.

I do know that it goes on to the House, and there will probably be changes in the House. Hopefully, these employee protections will be part of those changes, and then it will come back for our concurrence. Hopefully, then it will be in a position where I can vote for the bill or vote for House concurrence if it's dealt with those issues adequately. Until then, it's my intention to vote "no" on the bill.

Senator Cherry's second statement, in which Leland concurred, is as follows:

My colleague, the good Majority Leader, the Senator from the 27th District is correct. He has not seen any other amendments other than the one Senator Miller offered. The reason for that, Mr. President, is that we want to do this the right way. The intention here is not to offer disruptive amendments or simply put up amendments to disrupt the process, but to offer amendments that have been discussed among affected parties and have reached agreement that move the process forward. Those discussions are ongoing; they're not to reach conclusion yet. And so until they reach conclusion, amendments wouldn't be forthcoming. There was one in which there was an agreement, and it was offered, I think, in a positive way. That's the line we wanted to proceed on—to be positive here, not to play games.

So while he may have not seen other amendments, let me assure him that somewhere in this process there will be additional comments forthcoming. It would be my hope that when they do come forward, that reflects that there is an agreement here among the affected parties so that this process moves forward.

Senator Hart's statement is as follows:

I'm going to vote against this bill not only because of the composition of the board, but also the labor-related issues.

This is also going to lead us to something else, and it's not going to surprise me. It may surprise some of you, but I'm going to look forward to having that airport renamed the John Engler and Ed McNamara Airport, and you can look forward to seeing that too.

Senators McCotter, Emmons and Steil asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator McCotter's statement is as follows:

We've heard a lot in the past few days about this bill. I think one of things that should be focused on—one of the positive developments—is we've had two giants of the Michigan political scene from either side of aisle, Governor Engler and County Executive McNamara, come together to try to put the best interest of the airport and the traveling public to the forefront of this issue. I think they have successfully done that.

As with any type of bipartisan agreement, we have some Republicans who are unhappy; we have some members of the Democratic Party who are unhappy. But I think we would find that the vast majority of our constituents, especially in Wayne County and especially those who use Metro Airport, will be happy to know that there will be a governing authority with the sole responsibility for ensuring that that airport runs efficiently and properly.

Under the current system, the county commission has several responsibilities other than oversight at the legislative level over the airport. I will not go into a commentary on how they've exercised their oversight responsibilities, but I would think it would be good for them to be focused on other areas of Wayne County at this point in time and exercise their oversight there.

In the final analysis, I would remind them—especially my Republican friends who are disappointed that this bill does not do everything they would want—of what Ronald Reagan said: "Everybody always wants a touchdown. But the best way to get a touchdown is to go ten yards at a time and get first downs. And then you can get touchdowns."

This is a step forward. Is it the last step? No, it may not be, but it's currently not going backwards. And as someone who hopes to use Metro Airport more frequently, I'm personally pleased to support this bill.

Senator Emmons' statement is as follows:

Controversy is very good for political campaigns. You can wave your hands and yell and scream, but controversy is not good for travelers at Metro Airport today. They are using the airport, they need to use the airport, and they have waited too long to have this airport work. Vote "yes" today for the travelers, and forget the politicians.

Senator Steil's statement is as follows:

It has been two and a half long, frightening years that we started this process from all the complaints we got on the Detroit Metropolitan Airport. After this length of time and some of the reports I've read, it is amazing that we've reached this point today. This port authority is a huge step in the long-term relationships of what should go on in that airport. It now becomes a world-class airport along with a world-class new terminal.

I urge my colleagues to vote "yes" on this legislation. It helps the state of Michigan; it helps the city of Detroit; it helps Wayne County, and it is definitely a good piece of legislation.

Senator Emmons moved that Senators McManus and Gast be excused from the balance of today's session. The motion prevailed.

The following bill was read a third time:

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.

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. 208

Yeas—34

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

Nays—0

Excused—4

Gast	McManus	Murphy	Vaughn
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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 revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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), as amended by 2001 PA 223.

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. 209

Yeas—34

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

Nays—0

Excused—4

Gast	McManus	Murphy	Vaughn
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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 create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

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.

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. 210

Yeas—34

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

Nays—0

Excused—4

Gast	McManus	Murphy	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

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.

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. 211

Yeas—33

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

Nays—1

Leland

Excused—4

Gast

McManus

Murphy

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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

The Senate agreed to the full title.

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

Senate Bill No. 809

The motion prevailed.

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 Garcia 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. 4672, entitled

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

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.

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.

House Bill No. 5483, entitled

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

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 13I.

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. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217. Substitute (S-2).

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

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

House Bill No. 5327, entitled

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

Senate Concurrent Resolution No. 11**House Concurrent Resolution No. 50**

The motion prevailed.

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

Senate Resolution No. 171**Senate Resolution No. 176**

The resolution consent calendar was adopted.

Senators Hammerstrom, McCotter, North, Shugars, Bennett, Bullard, Johnson and Goschka offered the following resolution:

Senate Resolution No. 171.

A resolution designating October 2002 as Children's Internet Safety Month.

Whereas, The Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world; and

Whereas, It is vital to the well-being of children that the Internet offer them a wholesome environment to explore and that its capacity to deliver pornographic material to the innocent be responsibly monitored and effectively screened; and

Whereas, Children are ill-equipped to cope with lurid Internet content and cyberpredators and are at risk in their own homes, schools, and libraries; and

Whereas, Parents, religious and government leaders, educators, and rational-thinking people everywhere are concerned about children's Internet safety, Web manipulation by the unscrupulous, and the rising tide of pornographic Web sites; and

Whereas, Objectionable material, such as violent, obscene, or sexually-explicit adult material may be received by a minor in an unsolicited form; and

Whereas, It is imperative that Michigan parents, guardians, grandparents, teachers, and family members, along with churches, business and community leaders, and organizations, be alerted to the pervasiveness and danger of

pornography on the Internet. Support of this public service initiative will improve the Internet culture within their own spheres of influence; and

Whereas, The century of instant global communication holds great promise for achieving better understanding among people of the world. A broader resolve is heralded to protect the safety of children in order that the Internet not be perceived as an instrument of cunning pornographic invitation to the young, but as evidence of profound respect for human dignity, creative inquiry, and commitment to excellence; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 2002 as Children's Internet Safety Month and express our support for efforts to protect our children against harmful Internet materials; and be it further

Resolved, That a copy of this resolution be transmitted to Governor John Engler and Lieutenant Governor Dick Posthumus.

Senator Hammerstrom 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.

Senators Johnson, Hammerstrom and Emmons offered the following resolution:

Senate Resolution No. 176.

A resolution to acknowledge and honor the civic contributions of Ms. Janelle Wandell.

Whereas, Janelle Wandell, a Williamston High School sophomore and member of Girl Scout Troop 637, will be completing a Gold Award Project. This represents a truly distinguished and highly coveted honor among the Girl Scouts of the USA; and

Whereas, Janelle decided to raise money and create "Bundles of Hope," an initiative that allowed her to assemble and distribute emergency baby-care kits to assist police and fire departments in caring for abandoned babies; and

Whereas, Ms. Wandell will be formally recognized for her generous contributions by the Michigan Capitol Girl Scout Council on May 6, 2002, at the annual All That Glitters awards dinner. This is a day that affords us the opportunity to join with her family, friends, and peers in acknowledging and commending Janelle's profound community service; and

Whereas, Janelle raised \$193.00 and packed 26 bundles of supplies. She earned money by babysitting and presenting speeches to civic organizations, stressing the need for financial assistance. The packages contain essential baby-care items such as diapers, a blanket, a pacifier, and an outfit of clothing; and

Whereas, Janelle Wandell hopes her efforts will encourage women to use Michigan's Safe Delivery for Newborns law, preserving the lives of Michigan's most vulnerable citizens; now, therefore, be it

Resolved by the Senate, That we commend, congratulate, and thank Ms. Janelle Wandell, whose Gold Award Project will sincerely affect the lives of Michigan's most beloved and valuable resource; and be it further

Resolved, That a copy of this resolution be transmitted to Ms. Janelle Wandell for her profound contribution to Michigan society.

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 177.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be hereby amended to read as follows:
"2.103 STANDING COMMITTEES

The standing committees of the Senate shall be:

Appropriations (16 members)

Banking and Financial Institutions (7 members)

Detroit Metro Airport Review (5 members) This standing committee shall be disbanded no later than ~~March 1~~ APRIL 30, 2002.

Economic Development, International Trade and Regulatory Affairs (5 members)

Education (5 members)

Families, Mental Health and Human Services (7 members)

Farming, Agribusiness and Food Systems (5 members)

Finance (5 members)

Financial Services (7 members)

Gaming and Casino Oversight (5 members)

Government Operations (5 members)

Health Policy (5 members)

Human Resources and Labor (5 members)

Hunting, Fishing and Forestry (5 members)

Judiciary (7 members)
Local, Urban and State Affairs (5 members)
Natural Resources and Environmental Affairs (5 members)
Reapportionment (9 members)
Senior Citizens and Veterans Affairs (5 members)
Technology and Energy (7 members)
Transportation and Tourism (5 members)
Statutory standing committees:
Administrative Rules (5 members) (see MCL 24.235)
Legislative Council (6 members and 3 alternates) (see MCL 4.1103)
Legislative Retirement Board of Trustees (2 members) (see MCL 38.1026)
Michigan Capitol Committee (4 members) (see MCL 4.1701).”
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, a majority of the members serving voting therefor.

Introduction and Referral of Bills

Senators Garcia, Steil, Shugars and Bullard introduced

Senate Bill No. 1138, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” by amending sections 33, 35, 35a, and 36 (MCL 408.1033, 408.1035, 408.1035a, and 408.1036), section 33 as amended by 1996 PA 87 and sections 35 and 36 as amended and section 35a as added by 1991 PA 105.

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

Senator Gast introduced

Senate Bill No. 1139, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Senator Gast introduced

Senate Bill No. 1140, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Senator Gast introduced

Senate Bill No. 1141, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Gast introduced

Senate Bill No. 1142, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

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

Senator Gast introduced

Senate Bill No. 1143, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 1144, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Gast introduced

Senate Bill No. 1145, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Senator Gast introduced

Senate Bill No. 1146, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 1147, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 1148, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Gast introduced

Senate Bill No. 1149, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senator Gast introduced

Senate Bill No. 1150, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2003; and to provide for the expenditures of the appropriations.

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

Senator Gast introduced

Senate Bill No. 1151, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Gast introduced

Senate Bill No. 1152, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senator Gast introduced

Senate Bill No. 1153, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 1154, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 1155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2001 PA 121 and section 17b as amended by 2000 PA 297.

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

Senator Gast introduced

Senate Bill No. 1156, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11 (MCL 388.1611), as amended by 2001 PA 121.

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

Senator Gast introduced

Senate Bill No. 1157, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Gast introduced

Senate Bill No. 1158, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2003; and to provide for the expenditure of the appropriations.

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

Senator Gast introduced

Senate Bill No. 1159, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002; and to provide for the expenditure of the appropriations.

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

Senators Sikkema, Sanborn, Bullard and Hammerstrom introduced

Senate Bill No. 1160, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10d (MCL 460.10d), as added by 2000 PA 141.

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

House Bill No. 5021, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 320a (MCL 257.320a), as amended by 2001 PA 103.

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 Transportation and Tourism.

House Bill No. 5108, entitled

A bill to protect certain rights that public employees have in retirement benefits under certain circumstances; and to prescribe the powers and duties of certain retirement systems, state departments, courts, public officials, and public employees.

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 Appropriations.

House Bill No. 5109, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 31, 40, and 69 (MCL 38.31, 38.40, and 38.69), section 31 as amended by 1998 PA 205, section 40 as amended by 1991 PA 48, and section 69 as added by 1996 PA 487.

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 Appropriations.

House Bill No. 5110, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 46 and 85 (MCL 38.1346 and 38.1385), section 46 as amended by 1991 PA 47 and section 85 as amended by 1998 PA 213.

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 Appropriations.

House Bill No. 5111, entitled

A bill to amend 1937 PA 345, entitled "Fire fighters and police officers retirement act," by amending sections 6 and 9 (MCL 38.556 and 38.559), as amended by 1991 PA 54.

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 Appropriations.

House Bill No. 5112, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 308, 506, and 720 (MCL 38.2308, 38.2506, and 38.2670), section 506 as amended by 1999 PA 215 and section 720 as added by 1996 PA 523. 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 Appropriations.

House Bill No. 5113, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 43 (MCL 38.1643), as amended by 1991 PA 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 Appropriations.

House Bill No. 5114, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 57 and 80 (MCL 38.1057 and 38.1080), section 57 as amended by 1995 PA 258 and section 80 as added by 1996 PA 486. 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 Appropriations.

House Bill No. 5591, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 471 (MCL 206.471), as amended by 1996 PA 484. The House of Representatives has passed the bill and ordered that it be given immediate effect. The bill was read a first and second time by title and referred to the Committee on Finance.

Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

I just want to say that with all the political battles and arguments we have here on the floor, it was just an outstanding evening last night to spend with some of my colleagues here to see that great university from East Lansing on national TV bring home another great victory. And I'm glad to see, Mr. President, there's one university in this state that knows how to handle Buckeyes. We had a great, great win, and I'm just so happy that, I think, our team out there in East Lansing showed a lot of courage and heart to go into a hostile environment and win a major, major victory for not only that university, but for the entire MSU alumni who follows that team. I just want to say that I sure look forward to seeing them in the national tournament one more year.

Scheduled Meetings

Appropriations -**Subcommittees -**

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

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 - Wednesday, 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)

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

Legislative Retirement Board of Trustees - Wednesday, March 6, 12:00 noon, Room H-252, Capitol Building (373-0575)

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 12:45 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, February 28, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

