

No. 24
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Thursday, March 14, 2002.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—excused
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

Reverend Ira Combs of Greater Bible Way Temple of Jackson offered the following invocation:

Almighty and Eternal God, Creator of all the ends of the universe, El Shaddi, supplying the needs of humanity by the way of Calvary, we humbly approach You and Your throne of grace. We bow before Your mercy seat to give thanksgiving and utter before You our sincere and abiding appreciation for our heritage in a nation enthralled in prosperity. For life, liberty, and freedom, we extol Thee. For our national defense and security, as well as the peace and tranquility we yet enjoy, we exalt Thee. For our spiritual and eternal experiences, we praise Thee.

Finally, for this august body of brilliant men and women who have yielded their lives and sacrificed their families to serve the citizens of this blessed state, ever remind them of the indelible legacy they will leave with each legislative decision made. Ever sustain each member of the Senate to serve with dignity, integrity, and an unwavering commitment to the righteous virtues of our Constitution, Bill of Rights, and the everlasting Word of God.

Finally, O God, ever provide for our sustenance and perpetuity. We will continually serve Thee and never forget Your blessings toward us now, henceforth, and evermore. And all the people said, "Amen."

Senators Garcia and Schuette entered the Senate Chamber.

Motions and Communications

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

Senator Emerson moved that Senator Cherry be excused from today's session.
The motion prevailed.

The following communication was received:

Department of Consumer and Industry Services

March 8, 2002

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

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Arbor Heights Community Justice Center	2002C0207011	CS810200952
Special Investigation Report	Adrian Training School	2002C0207012	CS460200931
Special Investigation Report	Adrian Training School	2002C0207013	CS460200931

The 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 Secretary announced the printing and placement in the members' files on Wednesday, March 13, of:

Senate Bill Nos. 1195 1196 1197 1198 1199 1200 1201

House Bill Nos. 5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 5790 5791 5792

Messages from the Governor

The following message from the Governor was received on March 13, 2002, and read:

EXECUTIVE ORDER

No. 2002 - 3

Michigan Public Educational Facilities Authority

Michigan Strategic Fund

Michigan Municipal Bond Authority

Michigan Department of Treasury

Executive Reorganization

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

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

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

Whereas, the United States Congress recently passed, and President George W. Bush signed, The Economic Growth and Tax Relief Reconciliation Act of 2001, which includes a provision authorizing the issuance of “qualified public educational facility bonds” as exempt facility bonds under Section 142 of the Internal Revenue Code of 1986, as amended, being 26 USC 142; and

Whereas, The Economic Growth and Tax Relief Reconciliation Act of 2001 limits the amount of qualified public educational facility bonds that may be issued as tax-exempt bonds and provides that the state may allocate the amount of qualified public educational facility bonds in such manner as the state deems appropriate; and

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

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

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

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

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

I. DEFINITIONS

As used herein:

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

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

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

D. The “Department of Treasury” means the principal department created by Section 75 of Act No. 380 of the Public Acts of 1965, being Section 16.175 of the Michigan Compiled Laws.

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

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

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

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

II. CREATION OF THE MICHIGAN PUBLIC EDUCATIONAL FACILITIES AUTHORITY

A. The Michigan Public Educational Facilities Authority is hereby created as a public body corporate and politic. The authority shall be located within the Department of Treasury and shall exercise the powers transferred or assigned to it by this executive order independently of the State Treasurer, except that budgeting, personnel, procurement and related functions shall be performed under the direction and supervision of the State Treasurer.

B. The purposes, powers and duties of the authority shall be vested in and exercised by a board of trustees consisting of:

1. The State Treasurer, who may appoint a representative from the Department of Treasury to serve as a voting member of the board in the absence of the State Treasurer.

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

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

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

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

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

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

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

C. The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of 1976, being Section 15.261 *et seq.* of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

D. A majority of the serving trustees constitutes a quorum for the transaction of business at a meeting. The board shall act by a majority vote of the trustees present at a meeting.

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

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

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

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

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

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

IV. MICHIGAN STRATEGIC FUND

All the statutory authority, powers, duties, functions and responsibilities with respect to a commercial enterprise involving the construction, rehabilitation, refurbishing or equipping of school facilities that are occupied or to be occupied by a public school, provided under the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 *et seq.* of the Michigan Compiled Laws, including without limitation the power to issue bonds and notes and to enter into contracts, are hereby transferred from the Michigan Strategic Fund and the Michigan Strategic Fund Board of Directors to the Michigan Public Educational Facilities Authority and the Michigan Public Educational Facilities Authority Board of Trustees.

V. BOND VOLUME ALLOCATION

The authority is hereby designated and authorized to receive and utilize all allocations of the amount of tax-exempt obligations that may be issued to finance qualified public educational facilities as provided by Section 142(k)(5) of the Internal Revenue Code of 1986, as amended, being 26 USC 142(k)(5).

VI. MICHIGAN MUNICIPAL BOND AUTHORITY

A. Except as provided in Paragraph B, the statutory authority, powers, duties, functions and responsibilities of the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees, including without limitation the power to issue bonds and notes and enter into contracts, as such authority, powers, duties, functions and responsibilities relate to governmental units which are a public school academy or a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in Article VIII, Section 4, 5 or 6, of the constitution of the state of Michigan of 1963, including but not limited to the statutory

authority, powers, duties, functions and responsibilities set forth in the Shared Credit Rating Act, Act No. 227 of the Public Acts of 1985, as amended, being Section 141.1051 *et seq.* of the Michigan Compiled Laws, Section 1225 of the Revised School Code, Act No. 451 of the Public Acts of 1976, as amended, being Section 380.1225 of the Michigan Compiled Laws, and the State School Aid Act of 1979, Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1601 *et seq.* of the Michigan Compiled Laws, are hereby transferred from the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees to the Michigan Public Educational Facilities Authority and the Michigan Public Educational Facilities Authority Board of Trustees.

B. The transfer provided for in Subsection A, does not transfer the authorities, powers, duties, functions, responsibilities, rights and obligations of the Michigan Municipal Bond Authority and the Michigan Municipal Bond Authority Board of Trustees related to:

1. any outstanding public school academy bonds or notes or any reserve or trust funds relating to such bonds or notes; or

2. any long-term public school academy facility program financing for which an application was submitted to the Michigan Municipal Bond Authority on July 23, 2001, including that portion of the appropriation for public school academy financing to be deposited into the reserve fund for that transaction.

VII. MISCELLANEOUS

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

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

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

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

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

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

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

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

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

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

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

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

M. Executive Order 2001-11, creating the Michigan Public Educational Facilities Authority and the Michigan Public Educational Facilities Authority Board of Trustees, is hereby rescinded in its entirety as of the effective date of this order. The Michigan Public Educational Facilities Authority and the Michigan Public Educational Facilities Authority Board of Trustees created by Executive Order 2001-11 are hereby abolished as of the effective date of this Order.

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 12th day of March, 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.

Senator Miller entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Vaughn admittance to the Senate floor, including the center aisle.

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

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 10:07 a.m.

10:25 a.m.

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

During the recess, on behalf of Senator Vaughn, Senator Young introduced to the Senate William Omar Lateef Butler, a jazz and classical trumpeter from The Juilliard School of New York.

Mr. Butler rendered several musical selections and responded briefly.

Senators Young, Peters and Schwarz presented Mr. Butler with a special tribute.

Senator Emmons moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

Senate Bill No. 1165

Senate Bill No. 1166

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

Messages from the House

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

Senate Bill No. 451

Senate Bill No. 452

Senate Bill No. 730
Senate Bill No. 936
Senate Bill No. 940
Senate Bill No. 943
 The motion prevailed.

Senate Bill No. 892, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 204 and 208 (MCL 500.204 and 500.208).

(For text of amendments, see Senate Journal No. 23, p. 553.)

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

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

Roll Call No. 286

Yeas—35

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

Nays—0

Excused—2

Cherry	Vaughn
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Not Voting—1

Young

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. 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 House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1945 PA 327, entitled "An act relating to aeronautics in this state; providing for the development and regulation thereof; creating a state aeronautics commission; prescribing powers and duties; providing for the licensing, or registration, or supervision and control of all aircraft, airports and landing fields, schools of aviation, flying clubs, airmen, aviation instructors, airport managers, manufacturers, dealers, and commercial operation in intrastate commerce; providing for rules pertaining thereto; prescribing a privilege tax for the use of the aeronautical facilities on the lands and waters of this state; providing for the acquisition, development, and operation of airports, landing fields, and other aeronautical facilities by the state and by political subdivisions; providing jurisdiction of crimes, torts, and contracts; providing police powers for those entrusted to enforce this act; providing for civil liability of owners, operators, and others; making hunting from aircraft unlawful; providing for repair station operators lien; providing for appeals from rules or orders issued by the commission; providing for the transfer from the Michigan board of aeronautics to the aeronautics commission all properties and funds held by the board of aeronautics; providing for a state aeronautics fund and making an appropriation therefor; prescribing penalties; and making uniform the law with reference to state development and regulation of aeronautics," (MCL 259.1 to 259.208) by amending the title and by adding chapter VIA; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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. 287

Yeas—28

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

Nays—8

DeBeaussaert	Hart	Murphy	Smith
Dingell	Leland	Scott	Young

Excused—2

Cherry	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.

The Senate agreed to the title as amended.

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

Protest

Senator Hart, under his constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 690.

Senator Hart's statement is as follows:

This is just a continuation of the muddy water we went through here for some time. There are two words that are synonymous: one is McNamara and the other is nepotism. If you want to perpetuate this—keep this going—then God bless all of you.

Senate Bill No. 880, entitled

A bill to create a telecommunication rights-of-way oversight authority; to provide for fees; to prescribe the powers and duties of municipalities and certain state agencies and officials; to provide for penalties; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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. 288

Yeas—29

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

Nays—7

Bennett	McCotter	Sanborn	Shugars
Hart	Miller	Schuette	

Excused—2

Cherry	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.

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

Senate Bill No. 999, entitled

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

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

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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. 289**Yeas—35**

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

Nays—0**Excused—2**

Cherry	Vaughn
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Not Voting—1

Murphy

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

Senator Emerson moved that Senator Murphy be excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 881, entitled

A bill to create the Michigan broadband development authority; to create funds and accounts; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority; and to provide incentives for the development of broadband services.

The House of Representatives has substituted (H-4) the bill.

The House of Representatives has passed the bill as substituted (H-4) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

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

Senator Sikkema offered the following amendment to the substitute:

1. Amend page 13, line 9, after “(1)” by striking out “(n)” and inserting “(m)”.

The amendment to the substitute was adopted.

Senator Sikkema offered the following amendment to the substitute:

1. Amend page 5, line 8, after “company” by inserting “or a governmental entity, including state authorities, municipalities, counties, and townships, police, fire and other public safety organizations, judicial entities, medical entities, schools, colleges, universities, hospitals, libraries, community centers, and local economic development entities”.

The amendment to the substitute was adopted.

The question being on concurring in the House substitute, as amended,

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

Roll Call No. 290

Yeas—32

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

Nays—3

Garcia	Sanborn	Shugars
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Excused—3

Cherry	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.

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 Peters 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. 1165, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

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:

Senate Bill No. 1166, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44d.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

Senate Bill No. 1165

Senate Bill No. 1166

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

Senator Emmons moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

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:

House Bill No. 5145

Senate Bill No. 883

Senate Bill No. 1000

House Bill No. 5021

Senate Bill No. 1165

Senate Bill No. 1166

Senate Bill No. 965

The motion prevailed.

The following bill was read a third time:

House Bill No. 5145, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 9307 (MCL 324.9307), as amended by 1998 PA 463.

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. 291

Yeas—35

Bennett
Bullard

Garcia
Gast

Leland
McCotter

Scott
Shugars

Byrum	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Steil
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Van Regenmorter
Emerson	Johnson	Schuette	Young
Emmons	Koivisto	Schwarz	

Nays—0

Excused—3

Cherry	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 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.”

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 883, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding chapter 16.

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. 292

Yeas—35

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

Nays—0

Excused—3

Cherry

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 1000, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 252a (MCL 257.252a), as amended by 2000 PA 306.

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. 293**Yeas—34**

Bennett

Garcia

McCotter

Scott

Bullard

Gast

McManus

Shugars

Byrum

Goschka

Miller

Sikkema

DeBeaussaert

Gougeon

North

Smith

DeGrow

Hammerstrom

Peters

Steil

Dingell

Hoffman

Sanborn

Stille

Dunaskiss

Johnson

Schuette

Van Regenmorter

Emerson

Koivisto

Schwarz

Young

Emmons

Leland

Nays—1

Hart

Excused—3

Cherry

Murphy

Vaughn

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Senator Bennett moved that he be named co-sponsor of the bill.

The motion prevailed.

Protest

Senator Hart, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1000.

Senator Hart’s statement is as follows:

Historically, people were allowed to keep those abandoned vehicles out there for 24 hours before they were towed away. That ticker has been reduced to something like 18 hours now instead of 24. How ludicrous. People need ample time to get those vehicles off the road.

The following bill was read a third time:

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 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. 294

Yeas—35

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

Nays—0

Excused—3

Cherry	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.

The following bill was read a third time:

Senate Bill No. 1165, entitled

A bill to amend 1993 PA 331, entitled “State education tax act,” by amending the title and sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

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. 295

Yeas—35

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

Nays—0

Excused—3

Cherry	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:

Senate Bill No. 1166, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 44d.

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. 296

Yeas—35

Bennett	Garcia	Leland	Scott
Bullard	Gast	McCotter	Shugars

Byrum	Goschka	McManus	Sikkema
DeBeaussaert	Gougeon	Miller	Smith
DeGrow	Hammerstrom	North	Steil
Dingell	Hart	Peters	Stille
Dunaskiss	Hoffman	Sanborn	Van Regenmorter
Emerson	Johnson	Schuetter	Young
Emmons	Koivisto	Schwarz	

Nays—0

Excused—3

Cherry	Murphy	Vaughn
--------	--------	--------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 965, entitled

A bill to amend 1933 PA 94, entitled "The revenue bond act of 1933," by amending sections 3, 12, 16, 22, 24, 26, 27, 28, and 30 (MCL 141.103, 141.112, 141.116, 141.122, 141.124, 141.126, 141.127, 141.128, and 141.130), section 3 as amended by 1992 PA 305, sections 12 and 27 as amended by 1985 PA 26, sections 16, 28, and 30 as amended by 1983 PA 76, and section 24 as amended by 1988 PA 228, and by adding section 12a.

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. 297

Yeas—35

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

Nays—0

Excused—3

Cherry	Murphy	Vaughn
--------	--------	--------

Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

By unanimous consent the Senate proceeded to the order of
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. 185**Senate Resolution No. 186**

The resolution consent calendar was adopted.

Senators Cherry and Emerson offered the following resolution:

Senate Resolution No. 185.

A resolution honoring the Davison High School Varsity Wrestling Team for an outstanding championship performance in the Division I State Championship.

Whereas, It is a pleasure and great privilege to join with the Davison High School community in celebrating a terrific season filled with triumph and immense sportsmanship. The Davison Cardinals made it through the quarter-finals defeating Hartland 54-21, the semi-finals defeating Bay City Western 57-19, and finally, faced last year's Division I champions—Temperance Bedford—in the 2002 Division I championship round; and

Whereas, Although the Cardinals clinched the championship title with four matches remaining in the final round, they reserved their celebration and continued to concentrate on watching their teammates who were still on the mat. Following an enormous display of team effort and unity, Davison triumphed over Temperance Bedford 44-21; and

Whereas, The varsity wrestling team has now captured its second Division I State Championship in the past three years. The nationally-ranked Davison Cardinals have shown the determination, skill, and teamwork necessary to overcome defeat and achieve success. Head Coach Roy Hall, the assistant coaching staff, and the entire varsity wrestling team are most deserving of the highest praise for their accomplishment and team-oriented victory; and

Whereas, We acclaim the team spirit and dedication of the Division I state champion Cardinal Wrestling Team:

Team Members

Derek Alonzi	Srdjan Dortenzio	Jason Sargent
Kevin Austin	Adam Koss	Joe Schaffer
Quinn Boyce	Brent Metcalf	Derek Skinner
Tyree Broadway	Chase Metcalf	Casey Streeter
Justin Brown	Justin Miller	Paul Thomas
Nathan Bundy	Doug Olds	Aaron Wells
Dan Charron	Trevor Perry	Casey West
Adam Chmiel	Brandon Peterson	Ryan West
Chris Clark	Jesse Reader	Jason Whitman
Zachary Denkins	Kevin Reynolds	John Whitman
Vance Denooijer	Cory Rogers	Adam Wilmoth
Paul Donahoe	Chad Roush	

; and

Whereas, We commend and offer praise for the great poise displayed by the team in setting lofty goals at the beginning of the season and going out and making their dreams a reality through hard work and commitment. Many of the talents and characteristics they exhibited in reaching this Division I championship will help them in all aspects of their lives; now, therefore, be it

Resolved by the Senate, That we extend our congratulations to the 2002 Davison High School Wrestling Team, Division I State Champions; and be it further

Resolved, That a copy of this resolution be transmitted to Head Coach Roy Hall, Assistant Coaches Kent Elliott, Jim Bailey, Bob Smith, and Rick Burns, the Davison High School Wrestling Team, and Athletic Director Dave Young as a token of our esteem and sincere congratulations.

Senator Stille offered the following resolution:

Senate Resolution No. 186.

A resolution commemorating April 2002 as Autism Awareness Month.

Whereas, April marks the observance of Autism Awareness Month in Michigan to draw attention to the increasing need to serve families with autistic members. Autism is a developmental disability that typically appears during the first three years of life. The result is a neurological disorder that affects functioning of the brain. Autism and its associated behaviors have been estimated to occur in as many as 1 in 150 individuals; and

Whereas, Autism is four times more prevalent in boys than girls and knows no racial, ethnic, or social boundaries. Family income, lifestyle, and educational levels do not affect the chance of its occurrence; and

Whereas, Autism is experiencing the fastest growing percentage increase of all the categories of special needs in our schools at a rate of 84.9 percent during the period of 1994 to 1999; and

Whereas, Autism impacts the normal development of the brain in the areas of social interaction and communication skills. Children and adults with autism typically have difficulties in verbal and nonverbal communication and social interactions, as well as leisure and play activities. The disorder makes it hard for them to communicate with others and relate to the outside world; and

Whereas, Over one half million people in the United States today have some form of autism, and its prevalence now places it as the third most common developmental disability. Yet the majority of the public, including many professionals in the medical, education, and vocational fields, are still unaware how autism affects people and how to work effectively with individuals with autism; and

Whereas, It is suggested that genetics may account for 40 percent of all the individuals who have autism and autism-related spectrums. It is not believed that there is any single cure for autism; now, therefore, be it

Resolved by the Senate, That we hereby commemorate April 2002 as Autism Awareness Month in an effort to recognize this lifelong disorder; and be it further

Resolved, That a copy of this resolution be transmitted to the Autism Society of Michigan as a reflection of our appreciation for this group.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Young, Hoffman, Leland, Stille and Miller asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

Today, we have had the rare privilege of hearing Mr. William Omar Lateef Butler, a jazz and classical trumpeter, perform in our chamber. His outstanding performance today caps a week of outstanding artists in the Capitol, beginning with Mr. Marcus Belgrave on Tuesday, continuing Wednesday with the Arts Advocacy Day, and culminating in Mr. Butler's appearance.

The continuum represents not only stylistic and generational changes, but also a profound shift in the way music affects our lives. For Mr. Belgrave's predecessors, jazz was a personal style of improvisation. Mr. Belgrave learned from those individuals and went on to tutor the next generation.

The first- and second-generation jazz greats are truly great musicians. They are undeniably brilliant, but they were not educated in a formal sense. They alone were responsible for teaching the next generation. No one at that time would have predicted that jazz would be something taught to university students. Jazz was new, a message from the streets and factories and unschooled Americans—although they were the generations of Americans who fought in two world wars and changed the world forever. Still, universities did not dabble in jazz. Even the word "jazz" had an unsavory slang connotation. Consider now the life of Mr. Butler. He is studying both jazz and classical music at Juilliard, the apogee of music education in the United States. His education includes jazz as a matter of course. It is an accepted American art form.

The acceptance and enthusiasm for jazz is a powerful parable for funding art education in Michigan. What was once considered dispensable and frivolous is part of our heritage, our identities, and our souls. Just as we all listened in rapt attention to Mr. Belgrave's performance and were amazed by the young Mr. Butler, we share a reverence for the arts. Something in the music we have heard speaks to each of us on a deeply personal level. We recognize and celebrate the significance of that message.

And we must, like the universities, cherish it. To respect it, we must recognize arts' importance in our daily lives. We must promote it. We must make arts a part of the fundamental and basic education of every American child. Whether these children benefit as listeners as we do or whether it allows the children to develop as a prodigious talent, as Mr. Butler has, we must ensure that music becomes a central part of their education.

Mr. Butler has performed at Detroit Symphony Hall, Avery Fisher Hall, and internationally. He has won awards and acclaim at a very young age. Such performances would be a lifetime achievement for even the best of musicians.

Like Melissa White, the young violinist who has performed here in the past, Mr. Butler is a protege of Mr. James Tatum and the Tatum Foundation. The Tatum Foundation has nurtured many talented young people whom many of us are proud to claim as our own.

I commend Mr. Butler for not only his talent and dedication to his art, but for his gracious acknowledgment of his teachers.

We also owe thanks to Mr. Tatum, Mr. Belgrave, and others like them who have dedicated their lives to discovering and nurturing talent. However, the greatest tribute we can pay these great mentors is to follow in their footsteps to include music as a key component in even the most basic education.

Today, colleagues, I call on each of us to reflect on how we have each been affected by the brilliant music we have heard. I ask you to imagine a world devoid of that passion, shut off from the essence of humanity because certain bean counters consider it frivolous. We know it is not. If we had any doubt, it has been erased by our privileges of the past few days.

One of the greatest legacies we can have as legislators is to give others the right to things that we take for granted. It is also an obligation. Have we fulfilled it? Mr. Tatum and Mr. Belgrave have. At his young age, so has Mr. Butler. Today, I call on each of us to follow their exemplary lead. It is the respect we owe them for sharing in their talents.

Senator Hoffman's statement is as follows:

Tomorrow, Chris Fisher who's been with my office is going to be leaving my employment. He actually is going to be working for the lower chamber—lower house. He'll be working in the House of Representatives. Before Chris leaves, I just wanted to take a moment and thank Chris for his work in my office. Chris began in my office in the summer of 1999 as a college intern and over the course of the summer did such a fine job that when he graduated in the spring of 2000 from Hillsdale College, we hired him in our office working in constituent relations. Chris has done a fine job for us. We're going to miss Chris, and as a token of our appreciation, I just wanted to give him a small memento which was signed by all the members of the Michigan Senate.

Senator Leland's statement is as follows:

When my good friend Art Miller was talking about some of the great Irish state Senators who have served in the Senate over the years, I couldn't help but remember a very, very good, dear friend of mine. He wasn't a state Senator, but he served the Senate for many, many years. We're, of course, talking about my dear, sweet friend Thomas Lawton who passed away about three years ago. He left behind a lovely wife and two very young children. As you know, I was very close with Tom. As I indicated, he was my very best friend, and there's not a day in my life that goes by where I don't think about you, Tommy. St. Patrick's Day is coming up on Sunday, and you know that I will not only be tipping one for you at the Tipperary Pub, but we're planning on a reunion at your gravesite. And we will be pouring some Irish whiskey on your grave real soon.

Senator Stille's statement is as follows:

In the form of a statement, I would like to announce to the body that today I've turned in a resolution calling for the sale of the Michigan State Fairgrounds in the city of Detroit. I believe that the time has come that we take very seriously where this Michigan activity has gone and is not going. The proceeds from the sale of this property would be well spent on agriculture and highlighting Michigan agriculture in a new venue. I don't call for where that should be, but my personal thoughts are that it probably should be closer to the center of the state, somewhat in conjunction with the Ag Expo.

At the same time, we've been carrying on the calendar Senate Concurrent Resolution No. 11, which called for the investigation of the sale of some property adjacent to the fairgrounds, and it's probably time for the concurrent resolution to be sent back to the committee from whence it came. Then we could proceed with this new resolution that several of us here in this chamber have been interested in pursuing for some time, and I believe the time is right now. So this is a heads up that we are actually asking to proceed with the process of moving the state fairgrounds.

Senator Miller's statement is as follows:

Before we adjourn for the week, I want to thank my good friends and colleagues—the three Irish Senators—for their fine tradition of carrying on this beautiful shamrock. I want to thank Senator McManus, Senator—Congressman—McCotter, and the fine female, Irish lassie, Senator Hammerstrom, for this beautiful shamrock.

Mr. President, this marks my last St. Patrick's Day here in the Michigan Senate. For the past 25 years, I've had the privilege to serve here with a lot of great Irishmen, and I'm sure that they've been known to do a lot of crazy things on St. Patty's Day.

When I first came here, I had the privilege to serve for many, many years with Senator Michael O'Brien who presented shamrocks, and he served this body well. I also had the privilege to serve with the gentleman from Saginaw, Senator Jerry Hart, who was a very, very outstanding Senator for mid-Michigan and who carried on the Irish tradition here for many years. And then in the Detroit area, I served with three gentlemen from Wayne County. Senator John Kelly who I think celebrates St. Patrick's Day every weekend, Mr. President, but he was a great Senator, and he does a great job as a regent for Wayne State. Then from the Dearborn area, I served with Patrick McCollough who was a fine Senator from Dearborn, western Wayne County. Then finally with a Senator whose picture hangs in the Majority Leader's Lounge. I've been after him to come up here and show that picture to his fine family. Bill Fitzgerald who used to sit right over here and was a majority leader did a great job here. All of these gentlemen did an outstanding job, and I want to thank them.

I hope that some of the Senators who are going to be here after next January will carry out this tradition of these fine shamrocks. I know that the people of Irish decent across Michigan look forward to the great representation that they have here in the Senate, but I just wanted to touch upon a few memories I had of St. Patrick's Day in this chamber.

I want to again thank Senators Hammerstrom, McCotter, and McManus for the beautiful shamrocks and wish everybody a beautiful, safe St. Patrick's Day on Sunday.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators Koivisto, Gougeon, North, Dingell, McCotter, Dunaskiss, Young, Bullard, McManus, Gast, Peters, Goschka and Schwarz introduced

Senate Bill No. 1204, entitled

A bill to amend 1951 PA 77, entitled "An act providing for the specific taxation of low grade iron ore, of low grade iron ore mining property, and of rights to minerals in lands containing low grade iron ores; to provide for the collection and distribution of the specific tax; to make an appropriation; and to prescribe the powers and duties of the state geologist and township supervisors and treasurers with respect to the specific tax," by amending sections 3 and 4 (MCL 211.623 and 211.624), section 4 as amended by 1994 PA 367.

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

Senators Hammerstrom, Sikkema, Johnson, Bullard, Garcia and Stille introduced

Senate Bill No. 1205, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5303 (MCL 324.5303), as amended by 2001 PA 221.

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

Senator North introduced

Senate Bill No. 1206, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76116 (MCL 324.76116), as added by 1995 PA 58.

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

Senator North introduced

Senate Bill No. 1207, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2001 PA 121.

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

Committee Reports

The Committee on Health Policy reported

Senate Bill No. 1009, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16611 (MCL 333.16611).

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.

Dale L. Shugars
 Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Emerson

Nays: None

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

The Committee on Health Policy reported

House Bill No. 4994, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

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.

Dale L. Shugars
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom, Byrum and Emerson

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submitted the following:

Meeting held on Tuesday, March 12, 2002, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Byrum and Emerson

Excused: Senator Schwarz

The Committee on Appropriations reported

Senate Bill No. 926, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 5, 6, 7, and 8 (MCL 390.1455, 390.1456, 390.1457, and 390.1458).

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1101, entitled

A bill to make appropriations for the department of community health and certain state purposes related to aging, mental health, public health, and medical services for the fiscal year ending September 30, 2003; to provide for the expenditure of such appropriations; to create funds; to provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported
Senate Bill No. 1102, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported
Senate Bill No. 1104, 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 those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

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

The Committee on Appropriations reported
Senate Bill No. 1106, 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 those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka and Dingell

Nays: Senator Smith

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

The Committee on Appropriations reported
Senate Resolution No. 159.

A resolution to establish a task force to study the costs and benefits of a Medicaid buy-in program for working people with disabilities.

(For text of resolution, see Senate Journal No. 5, p. 49.)

With the recommendation that the following substitute (S-2) be adopted and that the resolution then be adopted:

A resolution to establish a task force to study the costs and benefits of a Medicaid buy-in program for working people with disabilities.

Whereas, Current Medicaid policies force many people with disabilities who would otherwise work to remain in poverty in order to qualify for Medicaid and receive essential medical care. This problem is compounded by the fact that many employers do not provide group health insurance. For people with disabilities, privately purchased insurance is not available in many instances at any price; and

Whereas, One concept that has been suggested is a buy-in program to permit people with disabilities who return to work to purchase Medicaid coverage from the state by paying premiums on a sliding scale related to income. Such an idea would seem to offer a farsighted approach to helping people with disabilities gain greater self-sufficiency. A buy-in option to preserve health services would encourage people to work, which ultimately should reduce Medicaid dependency; and

Whereas, Every effort should be made to remove barriers to meaningful employment. The MI Job Coalition surveyed people with disabilities and found that loss of health care is the major detriment to obtaining employment; and

Whereas, States have the option under federal law to provide a buy-in program. Some states have successfully implemented such programs. Michigan would be well served to examine this possibility fully; now, therefore, be it

Resolved by the Senate, That there be created a task force to study the costs and benefits of a Medicaid buy-in program for people with disabilities. The task force shall consist of 13 members. The Senate Majority Leader shall appoint the members of the task force to include 3 members of the Senate; 1 representative of the Michigan Commission on Disability Concerns; 1 representative of the Department of Community Health; 1 representative of the Department of Career Development; 1 representative of the Department of Management and Budget; 1 representative of the MI Job Coalition; 1 representative of the Benefits Planning, Assistance and Outreach Program; 2 representatives of employers in Michigan; and 2 workers with disabilities. Meetings for the task force will be subject to the state's Open Meetings Act, 1976 PA 267, including prior notice provisions; and be it further

Resolved, That the task force shall assess the potential contributions of more working citizens to the state economy, review alternative program designs and associated costs, and review the relevant experience of other states. The task force shall be assisted by the Senate Fiscal Agency. The task force shall report its findings and recommendations to the Michigan Senate by September 3, 2002; and be it further

Resolved, That the necessary expenditures incurred by the task force in carrying out its duties shall be paid from appropriations for the operations of the Senate Appropriations Career Development Strategic Fund Agency Subcommittee.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Nays: None

The resolution was placed on the order of Resolutions.

The Committee on Appropriations reported

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.

(For text of resolution, see Senate Journal No. 16, p. 398.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Koivisto and Dingell

Nays: Senator Smith

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, March 12, 2002, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, Young, DeBeaussaert and Dingell

Excused: Senator Murphy

The Committee on Financial Services reported

Senate Bill No. 991, entitled

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

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn and Miller

Nays: None

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

The Committee on Financial Services reported

Senate Bill No. 1125, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 401.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn and Miller

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

Senate Bill No. 1164, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3163 (MCL 500.3163) and by adding section 3107c.

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.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn and Miller

Nays: None

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

The Committee on Financial Services reported

House Bill No. 5328, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," by amending section 6 (MCL 565.356), as added by 1998 PA 106.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn, Miller and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5400, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5208 (MCL 500.5208), as amended by 1984 PA 267, and by adding section 407a.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn, Miller and Leland
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Financial Services reported

House Bill No. 5486, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 58, 67, 69, 71, 90, 90a, 108, 112, 135, 173, and 176 (MCL 559.158, 559.167, 559.169, 559.171, 559.190, 559.190a, 559.208, 559.212, 559.235, 559.273, and 559.276), sections 58, 67, 69, 90, 108, 112, and 135 as amended and sections 90a and 176 as added by 2000 PA 379, section 71 as amended by 1982 PA 538, and section 173 as amended by 1983 PA 113; and to repeal acts and parts of acts.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Sanborn, Miller and Leland
Nays: None
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submitted the following:

Meeting held on Tuesday, March 12, 2002, at 3:30 p.m., Room 110, Farnum Building
Present: Senators Bullard (C), Shugars, Sanborn, Miller and Leland
Excused: Senators Dunaskiss and Garcia

The Committee on Finance reported

Senate Bill No. 1165, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending sections 3 and 5 (MCL 211.903 and 211.905), as amended by 1994 PA 187, and by adding section 5b.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1166, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 44d.

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.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum
Nays: None
The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 13, 2002, at 3:56 p.m., Room 110, Farnum Building

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

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

Family Independence Agency - Tuesdays, April 9 and April 23, 1:00 p.m., Room 210, Farnum Building and Thursdays, April 11 and April 18, 1:00 p.m., Room 110, Farnum Building (373-1760)

General Government - Tuesdays, April 9, April 16, April 23 and April 30, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-3447)

Judiciary - Wednesdays, April 10, April 17 and April 24, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2413)

Health Policy - Tuesday, March 19, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:35 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, March 19, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

