

No. 14
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Wednesday, February 20, 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—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

Senator Leon Stille of the 32nd District offered the following invocation:

Dear God, watch over us this day. Guide our deliberations, and help us in our work, so that our decisions are equitable and fair to all to whom they apply. We ask for Your continued blessings upon this body and our nation. In Your name we pray. Amen.

Senators Goschka, Smith and Schuette entered the Senate Chamber.

Motions and Communications

Senator Emmons moved that Senator Van Regenmorter be temporarily excused from today's session. The motion prevailed.

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

Recess

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

10:21 a.m.

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

During the recess, Senators Van Regenmorter and Young entered the Senate Chamber.

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. 1100

Senate Bill No. 1105

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

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 19:

House Bill Nos. 4091 5328

The Secretary announced the printing and placement in the members' files on Tuesday, February 19, of:

House Bill Nos. 5661 5662 5663 5664 5665 5666 5667 5668 5669 5670 5671 5672 5673

The Secretary announced the printing and placement in the members' files on Wednesday, February 20, of:

Senate Bill Nos. 1100 1105

Messages from the House

Senate Bill No. 718, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 551 (MCL 418.551), as amended by 1992 PA 269.

Substitute (H-1).

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

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

Roll Call No. 184

Yeas—36

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Schwarz
Scott
Shugars

DeBeussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Smith
Dingell	Hart	North	Steil
Dunaskiss	Hoffman	Peters	Stille
Emerson	Johnson	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	Young

Nays—0

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

Senate Bill No. 604, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2468 and 2662 (MCL 500.2468 and 500.2662).

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

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

Senate Bill No. 605, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3114 (MCL 500.3114), as amended by 1984 PA 372.

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.

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

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

- Senate Bill No. 880**
- Senate Bill No. 881**
- Senate Bill No. 999**
- Senate Bill No. 842**

Senate Bill No. 882
Senate Bill No. 912
Senate Bill No. 975
House Bill No. 4009

The motion prevailed.

The following bill was read a third time:

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 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. 185

Yeas—29

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

Nays—7

Bennett	McCotter	Sanborn	Shugars
Dingell	Miller	Schuette	

Excused—2

Cherry	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protest

Senator Miller, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 880.

Senator Miller's statement is as follows:

I voted "no" because all the years I've been here, it seems like somehow, no matter what we legislate here, the telephone companies always seem to find a loophole or a court challenge that overturns legislation here, and it always

costs the consumers more money. I get tired of going back to my district telling my constituents that we tried to lower their rates, we tried to stabilize rates, and the rates continually go up. The utility companies and phone companies always point their finger at the people in Lansing saying they are the reason we have to increase it and pass these rate increases onto the consumers. I am not leaving this year with it on my conscience that I voted to give them another rate increase. So let the utility companies find a loophole someplace else without my help.

The following bill was read a third time:

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 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. 186

Yeas—33

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

Nays—3

Garcia	Sanborn	Shugars
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Excused—2

Cherry	Vaughn
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Not Voting—0

In The Chair: Schwarz

The Senate agreed to the title of the bill.

Protests

Senators Shugars and Sanborn, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill Nos. 880 and 881.

Senator Shugars’ statement, in which Senator Sanborn concurred, is as follows:

I voted “no” on the last two bills for a number of reasons. As I travel through my district and listen to the citizens, primarily senior citizens, the concerns of already high telephone rates for the individuals is a major concern that I have. I am not convinced that this broadband proposal is going to prevent any increase in telephone rates, thus I voted “no.”

Also I am very much a supporter of the marketplace. If the broadband service is to be utilized, I think that individuals who actually want it and use it should pay for it rather than having senior citizens and people who are less fortunate subsidize the broadband infrastructure that’s being proposed.

Then finally, I’m not convinced that having more government is really the solution to help the broadband situation for an increase in the infrastructure.

The following bill was read a third time:

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 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. 187

Yeas—36

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	Young

Nays—0

Excused—2

Cherry 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. 842, entitled

A bill to repeal 1998 PA 379, entitled “Michigan tax lien sale and collateralized securities act,” (MCL 211.921 to 211.941).

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. 188**Yeas—36**

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	Young

Nays—0**Excused—2**

Cherry 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. 882, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3341.

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. 189**Yeas—35**

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

Nays—1

Leland

Excused—2

Cherry 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. 912, entitled

A bill to amend 1905 PA 311, entitled “An act with respect to the furnishing of bonds by state officers, their deputies, and officers of state institutions; to provide for the payment of the cost of such bonds, and to prescribe the places of filing the same,” by amending sections 1 and 2 (MCL 15.71 to 15.72).

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. 190**Yeas—36**

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	Young

Nays—0**Excused—2**

Cherry	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. 975, entitled

A bill to amend 1965 PA 261, entitled “An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of commissioners with respect to county and regional parks and recreation commissions,” by amending section 17 (MCL 46.367), as amended by 1983 PA 177.

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. 191**Yeas—36**

Bennett	Garcia	Leland	Schwarz
Bullard	Gast	McCotter	Scott
Byrum	Goschka	McManus	Shugars

DeBeussaert	Gougeon	Miller	Sikkema
DeGrow	Hammerstrom	Murphy	Smith
Dingell	Hart	North	Steil
Dunaskiss	Hoffman	Peters	Stille
Emerson	Johnson	Sanborn	Van Regenmorter
Emmons	Koivisto	Schuette	Young

Nays—0

Excused—2

Cherry 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:

House Bill No. 4009, entitled

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

The 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. 192

Yeas—35

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

Nays—1

Steil

Excused—2

Cherry Vaughn

Not Voting—0

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The Senate agreed to the title of the bill.

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 Goschka 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:

Senate Bill No. 809, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

Senate Bill No. 1028, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 503 and 504 (MCL 750.503 and 750.504).

House Bill No. 4690, entitled

A bill to enter into the interstate compact for the supervision of adult offenders; and for related purposes. 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:

Senate Bill No. 1100, entitled

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

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.

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

Senate Bill No. 1105, entitled

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

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 24, following line 17, by inserting:

"Sec. 438. It is the intent of the legislature that if the May 2002 consensus revenue estimating conference determines that additional state general fund general purpose revenue is available for expenditure in fiscal year 2002-2003, funds shall be appropriated to the state public universities that have a per fiscal-year-equated student appropriation of \$4,500.00 or less to increase the per fiscal-year-equated student funding floor to at least \$4,500.00."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4859, entitled

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

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.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5393, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

Substitute (S-1).

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

1. Amend page 15, line 18, by striking out "285.279(C)" and inserting "285.279(2)(C)".
2. Amend page 15, line 24, by striking out "285.279(D)" and inserting "285.279(2)(D)".

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received:
Office of the State Budget

January 25, 2002

I am pleased to transmit to you the enclosed unaudited financial statements of the General Fund and School Aid Fund for the fiscal year ended September 30, 2001, as required by Section 18.1493 of the Michigan Compiled Laws. The audited *State of Michigan Comprehensive Annual Financial Report* (SOMCAFR) is scheduled to be available in February 2002.

These unaudited financial statements report preliminary unreserved fund balances of \$28.1 million for the General Fund and \$694.8 million for the School Aid Fund as of September 30, 2001.

During fiscal year 2001, the Legislature authorized the use of the Budget Stabilization Fund (BSF) to help keep the General Fund in balance while the state experience unanticipated revenue declines. Public Act 112 of 2001 authorized the use of \$77.0 million and P.A. 161 of 2001 authorized the use of up to \$200 million of the BSF to ensure a zero balance in the General Fund (excluding general purposes lapses from appropriation year 2001) at final bookclosing. At this preliminary bookclosing, we have transferred \$193.0 million from the BSF to the General Fund pursuant to P.A. 161 of 2001. The year-end balance in the BSF after these transactions is just under \$1 billion (\$994.1 million).

State agency program managers continued to responsibly manage programs within appropriated amounts. Once again, no state agency exceeded its budget. For fiscal year 2000-2001, the net lapse of spending by State departments and agencies, described in Note 3, totaled \$50.0 million. When combined with the legislative and judicial branches, net General Fund lapses for the state totaled \$57.7 million. Of these lapses, \$29.6 million related to prior appropriation year projects and were used to offset revenue shortfalls as allowed by P.A. 161 of 2001. As stated above, the remaining \$28.1 million of current appropriation year lapses remain in unreserved fund balance and are available to help defray the current year revenue shortfall announced at the Revenue Estimating Conference last week. I am grateful that our program managers across state government could lapse these funds while also absorbing a mid-year budget cut of one-half of the one percent. This commitment to reduce spending will have a positive impact on funding key programs in future years.

In 2001, financial management staff from across state government implemented the new financial reporting requirements of the Government Accounting Standards Board (GASB), called GASB Statement 34. I am pleased that we are the first large state government in the country to implement the new accounting standard. When we publish the SOMCAFR in February, you will see a new financial statement showing the financial position of our entire state government, based on full accrual accounting (like the private sector), for the first time ever.

With your cooperation, we continue to control spending within the budget and provide appropriate service levels to the public. I appreciate these and other efforts you have undertaken to keep Michigan on firm financial footing in these challenging times.

Sincerely,
Don Gilmer
State Budget Director

The communication was referred to the secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following standing and statutory standing committees effective February 25:

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

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

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

Technology and Energy - Senator Dunaskiss (C) replacing Senator Sikkema; Senator Sikkema (VC) replacing Senator Schwarz.

Michigan Capitol Committee - Senator Dunaskiss replacing Senator Johnson as a member.

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

Senator Smith stated that had she been present on February 19 when the votes were taken on the passage of the following bills, she would have voted "yea":

Senate Bill No. 859

House Bill No. 4028

Senate Bill No. 887

Senate Bill No. 889

Senate Bill No. 892

Senate Bill No. 897

Senate Bill No. 1060

Senate Bill No. 1061

Senate Bill No. 1062

Senate Bill No. 1063

Senate Bill No. 1064

Senate Bill No. 1067

Senate Bill No. 1068

Senate Bill No. 1069

Senate Bill No. 1070

Senate Bill No. 1071

Senate Bill No. 1072

Senate Bill No. 1073

Senate Bill No. 1074

Senate Bill No. 1076

Senate Bill No. 1080

Senate Bill No. 1081

Senate Bill No. 1083

Senate Bill No. 1084

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. 168

The resolution consent calendar was adopted.

Senators Peters and Emmons offered the following resolution:

Senate Resolution No. 168.

A resolution to recognize and pay tribute to Mike Carey, Mount Pleasant Citizen of the Year.

Whereas, It is with a strong sense of admiration for all of the contributions Mike Carey has made on behalf of the people of Mount Pleasant that we salute him. He has been an avid supporter of both the city of Mount Pleasant and Central Michigan University for over thirty years. Since he began work at WCEN in the fall of 1970, Mike Carey has been the voice of Chippewa football and basketball; and

Whereas, As owner and general manager of WMMI-AM and WCZY-FM, Mike Carey has also worked diligently to ensure that local high school athletes receive recognition. He has shared his outstanding talents as a broadcaster to follow several local high school teams on their road to success, even as far away as Pontiac and Marquette; and

Whereas, Through his business, Mike Carey is extremely active with community development activities. He previously served as president of the Shepherd Chamber of Commerce and twice earned the Ambassador of the Year Award from the Mount Pleasant Chamber of Commerce; and

Whereas, Mike Carey generously donates his time and skills to charitable causes in Mount Pleasant. He is a past president and almost twenty-year member of the Mount Pleasant Lions Club. Mike Carey also serves as an elder and clerk of the session at First Presbyterian Church of Mount Pleasant, where he is an active, long-time member; and

Whereas, Mr. Carey lends his familiar voice to any number of charitable community causes, and his public service deserves merit as well. He annually announces the Michigan Special Olympics opening games in Mount Pleasant. Additionally, he frequently emcees fundraising events for the American Heart Association and Central Michigan University athletic banquets. His enthusiastic presence greatly enhances the atmosphere of these public events and is appreciated by the community; now, therefore, be it

Resolved by the Senate, That the members of this legislative body hereby honor Mike Carey for his recognition as Mount Pleasant's Citizen of the Year. His outstanding dedication to his work and to his community deserves commendation; and be it further

Resolved, That a copy of this resolution be transmitted to Mike Carey as a token of our esteem.

Senator Young was named co-sponsor of the resolution.

Senators Garcia, McManus, Leland, Steil, Gougeon, Gast, Koivisto and Byrum offered the following resolution:

Senate Resolution No. 169.

A resolution to memorialize the Congress of the United States and the United States Immigration and Naturalization Service to reform immigration requirements for temporary agricultural workers.

Whereas, Long before September 11, 2001, the issue of immigration policies toward seasonal agricultural workers had been a significant point of debate. Now, with the urgency of preventing further terrorist actions against our country, many public and private groups are calling for changes in immigration policies; and

Whereas, Temporary agricultural workers, who are so important to our state and nation, are issued specific types of visas (H-2A visas). Some groups alarmed over the number of people in this country without proper documentation are concerned that this number likely includes a large number of farm workers. Many migrant worker groups, employers, and other organizations feel that the regulations for the required visas make unreasonable demands on employers and applicants and that the excessive bureaucracy of the process contributes to workers being in this country illegally; and

Whereas, In discussions about immigration reform, especially as part of national security issues, it is of the utmost importance to realize that guest farm workers play an integral part of American agriculture's success. These men and women are here to work and to advance the well-being of their families. Our policies need to recognize this fact and reduce illegal immigrants in our country without penalizing people who work in this capacity or those who hire them. While finding this balance is difficult, it will be a major step toward increasing national security to know exactly who is in our country and for what reasons; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the United States Immigration and Naturalization Service to reform immigration requirements for temporary agricultural workers. We urge that changes be made to increase the number of temporary agricultural workers who are here legally and to remove unnecessary administrative barriers facing both the applicants for these visas and those who hire them; and be it further

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

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Farming, Agribusiness and Food Systems.

The motion prevailed.

Senator Young was named co-sponsor of the resolution.

Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 11:10 a.m.

11:15 a.m.

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

Introduction and Referral of Bills

House Bill No. 4091, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 323d (MCL 257.323d), as added by 1993 PA 359.

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

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

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.

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 Financial Services.

Committee Reports

The Committee on Appropriations reported

Senate Bill No. 1100, entitled

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

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, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Koivisto, Young, Murphy, 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. 1105, entitled

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

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, Koivisto, Young, Murphy, DeBeaussaert and Dingell

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 Appropriations submitted the following:

Meeting held on Tuesday, February 19, 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, Koivisto, Young, DeBeaussaert, Murphy and Dingell

Excused: Senator Smith

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Environmental Quality submitted the following:

Meeting held on Tuesday, February 19, 2002, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Bennett (C), Gast, North, Smith and DeBeaussaert

Scheduled Meetings

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

Subcommittees -

Community Health - Thursday, February 21, 1:30 p.m. and Monday, March 11, 3:00 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

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

Environmental Quality - Tuesdays, February 26 and March 5, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Higher Education - Friday, February 22, 9:30 a.m., Oakland University, Library Drive, 242 Elliott Hall, Rochester; Friday, March 1, 10:00 a.m., Calvin College, 3201 Burton S.E., Hekman Library, Meeter Center Lecture Hall, Grand Rapids; and Friday, March 8, 9:30 a.m., University of Michigan-Ann Arbor, 909 S. University Drive, William L. Clements Library, Ann Arbor (373-3447)

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

School Aid and Department of Education - Tuesdays, February 26 and March 5, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1635)

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

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 11:16 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, February 21, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

