

No. 76
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Monday, December 30, 2002.

10:00 a.m.

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

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

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

Gougeon—excused
Hammerstrom—present
Hart—excused
Hoffman—present
Johnson—present
Koivisto—excused
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—excused
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Ecclesiastes, chapter 3: "To every thing there is a season and a time for every purpose under the sun."

There is a time to begin a session and a time to end a session. There is a time to introduce bills and a time to debate bills. There is a time to agree and a time to disagree. There is a time to keep silent and a time to speak.

"To every thing there is a season and a time for every purpose under the sun."

There is a time for hellos and a time for goodbyes. There is a time for laughter and a time for tears. There is a time for beginnings and a time for endings. There is a time to come and a time to go.

"To every thing there is a season and a time for every purpose under the sun. Wherefore I perceive that there is nothing better than that a man should rejoice in his own works; for that is his portion."

Much has been accomplished in this chamber, as providence has allowed. Each of us arrived here by different roads, at different times, but each with the same goal: service to our fellow man. Like a farmer, we worked hard, planting seeds and nurturing crops. Just as there is a time to sow, there is also a time to reap. Now is the time to reap.

Thank You, Father, for everyone who toiled here. It is now appointed for us to leave. We leave here as we came here—by different roads, to different places, and by Your providence.

Thank You, now and forever, for guiding our paths. In the name of the Prince of Peace. Amen.

The President pro tempore, Senator Schwarz, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senators Sanborn, Shugars, Van Regenmorter, McManus, Gast, Garcia, DeGrow, Stille, Smith, Hammerstrom, North and Sikkema entered the Senate Chamber.

Motions and Communications

The following communication was received and read:
Office of the Senate Majority Leader

December 19, 2002

Pursuant to the authority granted in Joint Rule 15 of the Senate and House of Representatives, we have determined that an emergency exists which necessitates that the Michigan Senate convene prior to 11:45 a.m. on December 30, 2002. You are hereby notified that the Senate shall convene Monday, December 30, 2002, at 10:00 a.m.

This emergency session of the Michigan Senate is warranted given the dire economic conditions of the day, the extraordinary current budgetary limitations, and the existence of a unique legislative school funding proposal pending before the Michigan Legislature. This proposal presents the Senate with the unique opportunity to appropriate \$2.5 million dollars a year for the next three years to compensate the Detroit School District for declining enrollment as well as enhancing the possibility of attracting \$100 million or more in private investments for charter schools in Detroit. If we do not convene a session of the Michigan Senate on December 30th, we risk foregoing this unique funding opportunity.

Therefore, we request that you prepare all necessary notices and communications for this session of the Michigan Senate.

Sincerely,
Dan L. DeGrow
Senate Majority Leader

Rick Johnson
Speaker of the House

The communication was referred to the Secretary for record.

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

Senator Emmons moved that Senators Steil, Gougeon and Bullard be excused from today's session.
The motion prevailed.

The following communications were received:
Office of the Auditor General

October 31, 2002

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit of the State Treasurer's Annual Report Department of Treasury October 1, 2000, through September 30, 2001.

December 19, 2002

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Offices of Quality and Reengineering, Human Resources, and Equal Opportunity, Michigan Department of Transportation, December 2002.

December 20, 2002

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit of the Executive Office October 1, 2000 through September 30, 2002.

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

The communications were referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

December 9, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:12 a.m. this date, administrative rule (02-12-02) for the Department of Consumer and Industry Services Director's Office, entitled "*Michigan Boiler Law Rules*," effective January 1, 2003.

December 13, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 8:18 a.m. this date, administrative rule (02-12-03) for the Department of Environmental Quality, Geological and Land Management Division, entitled "*Oil and Gas Operations*," effective 7 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:
Office of Financial and Insurance Services

December 16, 2002

Attached is a copy of the report on the use of insurance credit scoring in automobile and homeowners insurance in Michigan.

Frank M. Fitzgerald
Commissioner of Financial and
Insurance Services

The communication was referred to the Secretary for record.

The following communication was received:
Michigan Technological University

December 19, 2002

Michigan Technological University has three residence halls. The resident halls have existing fire alarms, smoke detection fire and stand pipes and are constructed of non combustible materials.

The University is updating these life safety features in two halls in calendar year 2003, Douglas Houghton Hall and McNair Hall. Bids have been received to fully sprinkle both buildings, update the smoke detection/alarm system and egress lighting. The Construction Contract will be awarded in early January with work to be completed by August of 2003.

Wadsworth Hall, our largest residence hall, will received life safety improvements as part of a major renovation to be implemented in phases starting in 2004 and to be completed in early 2006. This renovation will be phased to retain our ability to house Michigan Tech Students while the rehabilitations take place. The life safety improvements, sprinkler, alarm and smoke detector systems and egress lighting are included in the project's total estimated cost of \$31,300,000.

Sincerely,
William Blumhardt
Director, Facilities Management

The communication was referred to the Secretary for record.

The following communication was received:
Family Independence Agency

December 30, 2002

As required by Public Act 17 of 1999, enclosed is the evaluation of the Substance Abuse Testing Pilot Program implemented by the Family Independence Agency.

Please feel free to call if you have any questions.

Sincerely,
Douglas E. Howard

The communication was referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Friday, December 13:
House Bill No. 5949

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 13, for his approval the following bill:

Enrolled Senate Bill No. 3 at 2:25 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Wednesday, December 18, for his approval the following bills:

Enrolled Senate Bill No. 1251 at 3:00 p.m.

Enrolled Senate Bill No. 1505 at 3:02 p.m.

Enrolled Senate Bill No. 1396 at 3:04 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, December 19, for his approval the following bills:

Enrolled Senate Bill No. 883 at 12:00 Noon

Enrolled Senate Bill No. 1356 at 12:02 p.m.

Enrolled Senate Bill No. 1368 at 12:04 p.m.

Enrolled Senate Bill No. 1499 at 12:06 p.m.

Enrolled Senate Bill No. 1452 at 12:08 p.m.

Enrolled Senate Bill No. 1438 at 12:10 p.m.

Enrolled Senate Bill No. 719 at 12:12 p.m.

Enrolled Senate Bill No. 1000 at 12:14 p.m.

Enrolled Senate Bill No. 1238 at 12:16 p.m.

Enrolled Senate Bill No. 1250 at 12:18 p.m.

Enrolled Senate Bill No. 1446 at 12:20 p.m.

Enrolled Senate Bill No. 28 at 12:22 p.m.

Enrolled Senate Bill No. 1448 at 12:24 p.m.

Enrolled Senate Bill No. 1410 at 12:26 p.m.

Enrolled Senate Bill No. 1519 at 12:28 p.m.

Enrolled Senate Bill No. 1398 at 12:30 p.m.

Enrolled Senate Bill No. 1390 at 12:32 p.m.

Enrolled Senate Bill No. 1428 at 12:34 p.m.

Enrolled Senate Bill No. 1422 at 12:36 p.m.

Enrolled Senate Bill No. 1121 at 12:38 p.m.

Enrolled Senate Bill No. 1417 at 12:40 p.m.

Enrolled Senate Bill No. 1221 at 12:42 p.m.

Enrolled Senate Bill No. 213 at 12:44 p.m.

Enrolled Senate Bill No. 1437 at 12:46 p.m.
Enrolled Senate Bill No. 63 at 12:48 p.m.
Enrolled Senate Bill No. 115 at 12:50 p.m.
Enrolled Senate Bill No. 705 at 12:52 p.m.
Enrolled Senate Bill No. 795 at 12:54 p.m.
Enrolled Senate Bill No. 1418 at 3:30 p.m.
Enrolled Senate Bill No. 616 at 3:32 p.m.
Enrolled Senate Bill No. 1391 at 3:34 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Friday, December 20, for his approval the following bills:

Enrolled Senate Bill No. 670 at 10:00 a.m.
Enrolled Senate Bill No. 576 at 10:02 a.m.
Enrolled Senate Bill No. 1447 at 10:04 a.m.
Enrolled Senate Bill No. 1385 at 10:06 a.m.
Enrolled Senate Bill No. 1127 at 10:08 a.m.
Enrolled Senate Bill No. 1164 at 10:10 a.m.
Enrolled Senate Bill No. 1500 at 10:12 a.m.
Enrolled Senate Bill No. 358 at 10:14 a.m.
Enrolled Senate Bill No. 1028 at 10:16 a.m.
Enrolled Senate Bill No. 437 at 10:18 a.m.
Enrolled Senate Bill No. 638 at 10:20 a.m.
Enrolled Senate Bill No. 694 at 10:22 a.m.
Enrolled Senate Bill No. 11 at 10:23 a.m.
Enrolled Senate Bill No. 1434 at 10:24 a.m.
Enrolled Senate Bill No. 1353 at 10:26 a.m.
Enrolled Senate Bill No. 1400 at 10:28 a.m.
Enrolled Senate Bill No. 1401 at 10:32 a.m.
Enrolled Senate Bill No. 1213 at 10:34 a.m.
Enrolled Senate Bill No. 914 at 1:40 p.m.
Enrolled Senate Bill No. 1436 at 1:42 p.m.
Enrolled Senate Bill No. 717 at 1:44 p.m.
Enrolled Senate Bill No. 1203 at 4:02 p.m.

By unanimous consent the Senate proceeded to the order of

Messages from the House

Senate Bill No. 143, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

The House of Representatives has amended the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT" by inserting:

"Sec. 372. (1) Not later than April 25, 1999 or, if a qualifying school district becomes a school district of the first class after April 25, 1999, not later than 30 days after the date the qualifying school district becomes a school district of the first class, the mayor shall appoint a school reform board for a qualifying school district.

(2) A school reform board established under this section shall consist of ~~the following 7 members:~~

~~(a) Six 7 members appointed by the mayor.~~

~~(b) For a period of 5 years after the date of the initial appointment of the members of the school reform board appointed under subdivision (a), the superintendent of public instruction or his or her designee. After this period, the mayor shall appoint the seventh member of the school reform board.~~

(3) A person who is a current member of the elected school board of a qualifying school district is not eligible for appointment as a member of the school reform board for that qualifying school district. Section 1101(1) does not disqualify any person from appointment to a school reform board under this section or from appointment as an officer under section 374. However, at least a majority of the appointed members of a school reform board must be school electors of the qualifying school district.

(4) ~~Except for the superintendent of public instruction or his or her designee, members~~ MEMBERS of a school reform board shall serve at the will of the mayor. The term of an appointed member shall be 4 years, except that of the

members first appointed under subsection ~~(2)(a)~~ (2), 2 shall be appointed for a term of 2 years, 2 shall be appointed for a term of 3 years, and ~~2~~ 3 shall be appointed for a term of 4 years.

(5) If a member of a school reform board is removed from office by the mayor or is unable to complete his or her term, the mayor shall appoint a successor for the balance of the unexpired term. At the end of a member's term, the mayor shall appoint a successor or reappoint the member.

(6) The mayor shall call the first meeting of the school reform board and shall designate a chairperson of the school reform board from among its members. If there is a vacancy in the office of chairperson, the mayor shall designate a successor.

(7) At the first meeting of the school reform board, the school reform board may elect from among its members other officers as it considers necessary or appropriate. After the first meeting, the school reform board shall meet at least monthly, or more frequently at the call of the chairperson or if requested by 4 or more members.

(8) A majority of the members of the school reform board constitute a quorum for the transaction of business at a meeting of the school reform board. A majority of the members present and serving are required for official action of the school reform board.

(9) Members of the school reform board shall serve without compensation. However, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the school reform board.

Sec. 373. (1) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, the powers and duties of the elected school board of the qualifying school district and of its secretary and treasurer are suspended unless and until a new school board is elected under section 375. However, until the expiration of each individual member's current term, the members of the elected school board of a qualifying school district may continue to meet as an advisory board to provide input to the school reform board on an advisory basis only. Notwithstanding section 417a or any board policy, bylaw, or resolution to the contrary, these advisory board members shall serve without compensation or reimbursement, and funds of the qualifying school district shall not be used to staff or otherwise support the advisory board in any way.

(2) Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the school reform board or chief executive officer apply to the mayor, and the mayor immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the school reform board or chief executive officer as provided under this part. Within 30 days after appointing a school reform board under this part, the mayor shall initiate a financial audit of the qualifying school district. The mayor shall provide the results of this audit to the school reform board.

(3) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, all provisions of this act that would otherwise apply to the school board of the qualifying school district or to the chief executive officer apply to the school reform board, and the school reform board immediately may exercise all the powers and duties otherwise vested by law in the board of the qualifying school district and in its secretary and treasurer, and all powers and duties of the chief executive officer as provided under this part.

(4) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), UPON appointment of a chief executive officer for a qualifying school district under section 374, all provisions of this act that would otherwise apply to the elected school board of the qualifying school district apply to the chief executive officer; the chief executive officer immediately may exercise all the powers and duties otherwise vested by law in the elected school board of the qualifying school district and in its secretary and treasurer, and all additional powers and duties provided under this part; and the chief executive officer accedes to all the rights, duties, and obligations of the elected school board of the qualifying school district. These powers, rights, duties, and obligations include, but are not limited to, all of the following:

(a) Authority over the expenditure of all school district funds, including proceeds from bonded indebtedness and other funds dedicated to capital projects.

(b) Rights and obligations under collective bargaining agreements and employment contracts entered into by the elected school board, except for employment contracts of those employees described in subsection ~~(6)~~ (7).

(c) Rights to prosecute and defend litigation.

(d) Obligation under any judgments entered against the elected school board.

(e) Rights and obligations under statute, rule, and common law.

(f) Authority to delegate any of the chief executive officer's powers and duties to 1 or more designees, with proper supervision by the school reform board.

(5) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION ALL OF THE FOLLOWING APPLY:

(A) THE MAYOR SHALL ALSO HAVE THE POWER OF THE BOARD OF THE QUALIFYING SCHOOL DISTRICT UNDER SECTION 502 TO ACT AS AN AUTHORIZING BODY TO ISSUE A CONTRACT TO

ORGANIZE AND OPERATE 1 OR MORE PUBLIC SCHOOL ACADEMIES WITHIN THE QUALIFYING SCHOOL DISTRICT'S BOUNDARIES.

(B) IN ISSUING A CONTRACT TO ORGANIZE AND OPERATE A PUBLIC SCHOOL ACADEMY UNDER THIS SUBSECTION, THE MAYOR SHALL GIVE PRIORITY TO QUALIFIED APPLICANTS THAT ESTABLISH AT LEAST ALL OF THE FOLLOWING CRITERIA: IN EVALUATING IF AN APPLICANT IS QUALIFIED, THE MAYOR SHALL EXAMINE THE PERFORMANCE STANDARDS, ACADEMIC PROGRAM, FINANCIAL VIABILITY AND THE ABILITY OF THE APPLICANT TO MEET THE CONTRACT GOALS AND OBJECTIVES.

(i) THE PUBLIC SCHOOL ACADEMY WILL INCLUDE GRADES 9 THROUGH 12.

(ii) THE PUBLIC SCHOOL ACADEMY WILL OCCUPY A BUILDING CONSTRUCTED AFTER OCTOBER 1, 2002.

(iii) THE PUBLIC SCHOOL ACADEMY HAS A STATED GOAL OF INCREASING THE GRADUATION RATE.

(C) THE MAYOR SHALL ISSUE NOT LESS THAN 15 CONTRACTS UNDER THIS SUBSECTION. THE MAYOR SHALL ISSUE NOT LESS THAN 3 CONTRACTS PER SCHOOL YEAR FOR 5 YEARS. THE MAYOR SHALL ISSUE CONTRACTS UNDER THIS SECTION NOT LATER THAN MAY 1, OF EACH SCHOOL YEAR. IF THE MAYOR DOES NOT ISSUE 3 CONTRACTS BY MAY 1 IN ANY GIVEN YEAR, THOSE CONTRACTS NOT ISSUED BY THE MAYOR MAY BE ISSUED BY A STATE PUBLIC UNIVERSITY PROVIDED THAT SUCH CONTRACTS MEET THE CRITERIA ESTABLISHED IN THIS SUBSECTION.

(D) THERE IS APPROPRIATED FROM THE SCHOOL AID FUND TO THE QUALIFYING SCHOOL DISTRICT \$2,500,000.00 IN FISCAL YEAR 2003-2004, \$2,500,000.00 IN FISCAL YEAR 2004-2005 AND \$2,500,000.00 IN FISCAL YEAR 2005-2006 FOR DECLINING ENROLLMENT.

(E) IF THE LEGISLATURE FAILS TO APPROPRIATE FUNDS PROVIDED IN SUBSECTION (D), THE MAYOR SHALL NOT BE BOUND BY SUBSECTION (C).

(6) ~~(5)~~ In addition to his or her other powers, the chief executive officer appointed under this part may terminate any contract entered into by the elected school board of the qualifying school district except for a collective bargaining agreement. However, this subsection does not allow any termination or diminishment of obligations to pay debt service on legally authorized bonds. A contract terminated by a chief executive officer under this subsection is void.

(7) ~~(6)~~ Beginning on the effective date of the amendatory act that added this part or the date on which a school district becomes a qualifying school district, and until appointment of a school reform board for a qualifying school district under this part, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the mayor. Upon appointment of a school reform board for a qualifying school district under this part, and until appointment of a chief executive officer under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the school reform board. Upon appointment of a chief executive officer for a qualifying school district under section 374, each employee of the qualifying school district whose position is not covered by a collective bargaining agreement is employed at the will of the chief executive officer.

(8) ~~(7)~~ Not later than 90 days after the initial appointment of a chief executive officer under this part, and at least annually thereafter, the chief executive officer with the approval of the school reform board shall develop and submit to the school district accountability board created in section 376 a school district improvement plan that includes at least detailed academic, financial, capital, and operational goals and benchmarks for improvement and a description of strategies to be used to accomplish those goals and benchmarks. The plan also shall include an assessment of available resources and recommendations concerning additional resources or changes in statute or rule, if any, needed to meet those goals and benchmarks. The plan also shall include an evaluation of local school governance issues, including criteria for establishing building-level governance.

(9) ~~(8)~~ A chief executive officer with the approval of the school reform board for the qualifying school district shall submit an annual report to the mayor, governor, school district accountability board created in section 376, and legislature and shall make the annual report available to the community in the qualifying school district. The annual report shall contain at least all of the following:

(a) A summary of the initiatives that have been implemented to improve school quality in the qualifying school district.

(b) Measurements that may be useful in determining improvements in school quality in the qualifying school district. These measurements shall indicate changes from baseline data from the school year before the appointment of the school reform board, and shall include at least all of the following:

(i) Standardized test scores of pupils.

(ii) Dropout rates.

(iii) Daily attendance figures.

(iv) Enrollment figures.

(v) High school completion and other pertinent completion rates.

(vi) Changes made in course offerings.

(vii) Proportion of school district resources devoted to direct educational services.

(c) A description of long-term performance goals that may include statewide averages or comparable measures of long-term improvement.

(10) ~~(9)~~ A school reform board may organize and establish community assistance teams to work with the school reform board to implement a cohesive, full service community school program addressing the needs and concerns of the qualifying school district's population. The school reform board may delegate to a community assistance team the authority to devise and implement family, community, cultural, and recreational activities to assure that the academic mission of the schools is successful. The community assistance teams may also develop parental involvement activities that focus on the encouragement of voluntary parenting education, enhancing parent and family involvement in education, and promoting adult and family literacy.

(11) ~~(10)~~ The mayor, superintendent of public instruction, state board, school district accountability board created in section 376, this state, the city in which a qualifying school district is located, a school reform board established under this part, or a chief executive officer or other officer appointed under section 374 is not liable for any obligation of or claim against a qualifying school district resulting from an action taken under this part.

Sec. 374. (1) A school reform board established under this part shall appoint for the qualifying school district a chief executive officer. The appointment of a chief executive officer must be by at least a 2/3 majority vote of the school reform board. ~~and, for the 5-year period described in section 372(2)(b), the majority vote must include the vote of the superintendent of public instruction or his or her designee on the school reform board.~~ The chief executive officer is employed at the will of the school reform board and has the powers and duties provided under this part.

(2) The chief executive officer, with the approval of the school reform board, shall appoint for the qualifying school district a chief financial officer, chief academic officer, chief operations officer, and chief purchasing officer. These officers are employed at the will of the chief executive officer.

(3) If a vacancy occurs in a position described in this section, a successor shall be appointed in the same manner as the original appointment.

Sec. 502. (1) A public school academy shall be organized and administered under the direction of a board of directors in accordance with this part and with bylaws adopted by the board of directors. A public school academy corporation shall be organized under the nonprofit corporation act, Act No. 162 of the Public Acts of 1982, being sections 450.2101 to 450.3192 of the Michigan Compiled Laws, except that a public school academy corporation is not required to comply with sections 170 to 177 of Act No. 327 of the Public Acts of 1931, being sections 450.170 to 450.177 of the Michigan Compiled Laws. To the extent disqualified under the state or federal constitution, a public school academy shall not be organized by a church or other religious organization and shall not have any organizational or contractual affiliation with or constitute a church or other religious organization.

(2) Any of the following may act as an authorizing body to issue a contract to organize and operate 1 or more public school academies under this part:

(a) The board of a school district that operates grades K to 12. However, the board of a school district shall not issue a contract for a public school academy to operate outside the school district's boundaries, and a public school academy authorized by the board of a school district shall not operate outside that school district's boundaries.

(b) An intermediate school board. However, the board of an intermediate school district shall not issue a contract for a public school academy to operate outside the intermediate school district's boundaries, and a public school academy authorized by the board of an intermediate school district shall not operate outside that intermediate school district's boundaries.

(c) The board of a community college. However, except as otherwise provided in this subdivision, the board of a community college shall not issue a contract for a public school academy to operate in a school district organized as a school district of the first class, a public school academy authorized by the board of a community college shall not operate in a school district organized as a school district of the first class, the board of a community college shall not issue a contract for a public school academy to operate outside the boundaries of the community college district, and a public school academy authorized by the board of a community college shall not operate outside the boundaries of the community college district. The board of a community college also may issue a contract for not more than 1 public school academy to operate on the grounds of an active or closed federal military installation located outside the boundaries of the community college district, or may operate a public school academy itself on the grounds of such a federal military installation, if the federal military installation is not located within the boundaries of any community college district and the community college has previously offered courses on the grounds of the federal military installation for at least 10 years.

(d) The governing board of a state public university. However, EXCEPT AS OTHERWISE PROVIDED IN SECTION 373, the combined total number of contracts for public school academies issued by all state public universities shall not exceed 85 through 1996, and, after the initial evaluation under section 501a, shall not exceed 100 through 1997, 125 through 1998, or 150 thereafter. Further, the total number of contracts issued by any 1 state public university shall not exceed 50 through 1996, and thereafter shall not exceed 50% of the maximum combined total number that may be issued under this subdivision.

(3) To obtain a contract to organize and operate 1 or more public school academies, 1 or more persons or an entity may apply to an authorizing body described in subsection (2). The application shall include at least all of the following:

- (a) Identification of the applicant for the contract.
- (b) Subject to the resolution adopted by the authorizing body under section 503(4), a list of the proposed members of the board of directors of the public school academy and a description of the qualifications and method for appointment or election of members of the board of directors.
- (c) The proposed articles of incorporation, which shall include at least all of the following:
 - (i) The name of the proposed public school academy.
 - (ii) The purposes for the public school academy corporation. This language shall provide that the public school academy is incorporated pursuant to this part and that the public school academy corporation is a governmental entity.
 - (iii) The name of the authorizing body.
 - (iv) The proposed time when the articles of incorporation will be effective.
 - (v) Other matters considered expedient to be in the articles of incorporation.
- (d) A copy of the proposed bylaws of the public school academy.
- (e) Documentation meeting the application requirements of the authorizing body, including at least all of the following:
 - (i) The governance structure of the public school academy.
 - (ii) A copy of the educational goals of the public school academy and the curricula to be offered and methods of pupil assessment to be used by the public school academy. To the extent applicable, the progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument developed under section 1279 for a state-endorsed high school diploma.
 - (iii) The admission policy and criteria to be maintained by the public school academy. The admission policy and criteria shall comply with section 504. This part of the application also shall include a description of how the applicant will provide to the general public adequate notice that a public school academy is being created and adequate information on the admission policy, criteria, and process.
 - (iv) The school calendar and school day schedule.
 - (v) The age or grade range of pupils to be enrolled.
- (f) Descriptions of staff responsibilities and of the public school academy's governance structure.
- (g) For an application to the board of a school district, an intermediate school board, or board of a community college, identification of the local and intermediate school districts in which the public school academy will be located.
- (h) An agreement that the public school academy will comply with the provisions of this part and, subject to the provisions of this part, with all other state law applicable to public bodies and with federal law applicable to public bodies or school districts.
 - (i) For a public school academy authorized by a school district, an assurance that employees of the public school academy will be covered by the collective bargaining agreements that apply to other employees of the school district employed in similar classifications in schools that are not public school academies.
 - (j) A description of and address for the proposed physical plant in which the public school academy will be located.
- (4) An authorizing body shall oversee, or shall contract with an intermediate school district, community college, or state public university to oversee, each public school academy operating under a contract issued by the authorizing body. The oversight shall be sufficient to ensure that the authorizing body can certify that the public school academy is in compliance with statute, rules, and the terms of the contract.
- (5) If the state board finds that an authorizing body is not engaging in appropriate continuing oversight of 1 or more public school academies operating under a contract issued by the authorizing body, the state board may suspend the power of the authorizing body to issue new contracts to organize and operate public school academies. A contract issued by the authorizing body during the suspension is void. A contract issued by the authorizing body before the suspension is not affected by the suspension.
- (6) An authorizing body shall not charge a fee, or require reimbursement of expenses, for considering an application for a contract, for issuing a contract, or for providing oversight of a contract for a public school academy in an amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged. An authorizing body may provide other services for a public school academy and charge a fee for those services, but shall not require such an arrangement as a condition to issuing the contract authorizing the public school academy.
- (7) A public school academy shall be presumed to be legally organized if it has exercised the franchises and privileges of a public school academy for at least 2 years.”.

The House of Representatives has passed the bill as amended and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide

for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 372, 373, 374, 502, 951, 954, 955, and 971 (MCL 380.372, 380.373, 380.374, 380.502, 380.951, 380.954, 380.955, and 380.971), sections 372 and 373 as amended by 2000 PA 230, section 374 as amended by 1999 PA 23, section 951 as amended by 1990 PA 147 and sections 502 and 971 as amended by 1995 PA 289, and by adding section 957.

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 amendments made to the bill by the House,

The amendments were not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 1097

Yeas—18

Bennett	Gast	McManus	Schwarz
DeGrow	Goschka	North	Shugars
Dunaskiss	Hammerstrom	Sanborn	Sikkema
Emmons	Hoffman	Schuette	Van Regenmorter
Garcia	McCotter		

Nays—12

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Stille
DeBeaussaert	Miller	Scott	Young

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—1

Johnson

In The Chair: Schwarz

Senator Johnson entered the Senate Chamber.

Protests

Senators Cherry, Byrum, Scott, Smith, DeBeaussaert, Young and Johnson, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House amendments to Senate Bill No. 143.

Senator Cherry’s statement is as follows:

I voted “no” on concurring in the House amendments on the previous bill because it puts before us, I think, a plan for authorizing charter schools that is shortsighted and faulty, I believe.

There has been, throughout the course of nearly two years, a process called the McPherson Commission that examined the question of charter schools in the state of Michigan, particularly the question of having reached the university cap. That commission went through a number of meetings, a great deal of discussions, and came to the conclusion that it would be appropriate to allow additional university-chartered academies if a couple of things were done. First of all, that provisions be put in place that would hold charter academies accountable for their performance. And, secondly, that there be a limitation put on the ability of the Bay Mills Community College to issue charters. It put forward additional restrictions on the number of charters that could be issued in the city of Detroit because of the potential stress that unfettered chartering could cause that particular school district.

That seems, Mr. President, in my mind, to be a reasonable proposal. The person I had appointed to that commission, Lu Battaglieri, had agreed to it and had been part of the negotiations. Clearly, that organization that he represents, Michigan Education Association, was one that had been adamantly opposed to any additional charters. But in these negotiations, they chose to take an approach that allowed for additional charters, but ones that would be regulated in an appropriate way.

What was before us today was not, in fact, the product of that McPherson Commission. Instead, it was a proposal that would allow, to my understanding, five charters over five years to be issued by the mayor of the city of Detroit, but in no way did it insert in this bill any requirements that those charters or other charters operating in the state of Michigan be held to certain standards of accountability. Nor did the package put a cap on the number of charters that could be issued by the Bay Mills Community College.

It seemed to me, Mr. President, that the package that was before us was a package that was rushed through the House in the waning hours of this session, and for the Senate to have concurred in that would have been a disservice not only to the public schools in this state, but it was, in fact, I think, a disservice to charter schools.

It seems to me that we have the opportunity now in the city of Detroit to have charter academies operating that might be chartered by the Wayne Intermediate School District that could, in fact, be chartered by the Detroit Public Schools, or, in fact, could even be chartered by the Bay Mills Community College. Those opportunities now exist for Detroit to have charters within its school district. That's an opportunity and, in fact, the numbers would allow for any number of charters that Detroit felt were necessary. So, in fact, we are not closing off—as we reject the House amendments—the opportunity for additional charters in the city of Detroit. Those can still occur. I would urge those who feel that there should be additional charter academy opportunities in the city of Detroit to approach the Wayne Intermediate School District; to approach the Detroit Public Schools; to approach Bay Mills Community College. Doing so they can obtain charters and give residents of the city additional opportunities to have academies. But to simply approach this fashion, as proposed in the Senate bill we saw before us, I thought was shortsighted, and that's why I chose to vote “no” in concurring with the House amendments.

Senator Byrum's statement is as follows:

I voted “no” on concurrence with the changes to the bill as made by the Michigan House. Many times I have stood before this body and talked about the accountability we should be establishing within existing law as it relates to the public school academies or charter schools. This bill did not address that issue which was fundamental to the debate on whether or not we should increase the number of charter school opportunities in Michigan.

I also think that it failed to address that Bay Mills question, something that I thought was very important. But even beyond that, I do believe that it was a shortsighted approach to charter schools and providing those educational choices within Michigan. It, for the first time, would treat a certain entity— a certain part of this state—differently than we treat other school systems in Michigan. I think that is the wrong way that we should be traveling. All of us have districts that have difficulty, whether it's with declining enrollment or those districts that are growing so rapidly that the per-pupil foundation allotment is having trouble keeping pace with new school construction and all of those issues.

This legislation failed to address those problems. I believe that it was shortsighted, and it was not in the direction we should be going for Michigan. Therefore, I voted “no.”

Senator Scott's statement is as follows:

I voted “no” on Senate Bill No. 143 because I don't think it's the thing to do at this time. We have many problems with our public schools in the Detroit area. We need smaller class sizes, so if there is any funding available, I think it should be used for our children starting in K-3 on up because those are the very formative years where we need to educate our children. By the time they get to high school and can't read, then they can't keep up.

This is not about our children in Detroit. This is about some other things. People are making money off of our children in Detroit. We say that we care about Detroit and this is why we have a reform board now in the city of Detroit—that we found out they had not kept their promises that they were going to do any better. It was only a couple of weeks ago that in the paper it stated that the Rosa Parks School was infested with roaches and other rodents and such. That gives our children all kinds of diseases and even the teachers. This money can be spent better to educate our children if we really care about them. It's us today in Detroit, but it can be other communities tomorrow. Think about this.

When we think about just taking care of some people to build schools, Detroit is the largest school district that we have. We need more qualified teachers. They need better pay. I think if we take those things into consideration, then we understand why it is that we don't need those schools in the city of Detroit. We need to educate our children at a better level than what we're doing, and if we start at the early ages, then we can have more productive students as they move on to higher education—if we're really, really concerned about our teachers.

I spoke to Council President Maryann Mahaffey this morning, and she wanted us to know that the council, a majority of them, does not want these schools. We want to educate our kids. We want the smaller class sizes. We want more money put into the schools. In charter schools, they don't have to be certified teachers. We want the best teachers for our children just like other communities have.

I am opposing this for those reasons. There are many more; I could go on and on and on. Let me just say to you today that it is Detroit today, but it can certainly be your school districts tomorrow. I thank you for the opportunity, and that is why I voted "no" on this because it creates many things that we don't need to get into. We just need to make sure that we educate our children and do a good job of it in the city of Detroit.

Senator Smith's statement is as follows:

I rise for a "no" vote explanation on Senate Bill 143. I voted "no" for any number of reasons that have already been iterated by some of my colleagues here, but I was also very concerned about the \$2.5 million that was put into the legislation for declining enrollment. There was nothing in the language in the bill that tied that \$2.5 million to declining enrollment directly attributable to charter school loss of enrollment in Detroit. There was no "up to" amount on the \$2.5 million so if the school district lost 50 students, they were going to get \$2.5 million. The problem is that we have many school districts in the state facing the loss of money due to the loss of enrollment to charter schools.

The concepts behind charter schools were that they were to be competitive, they were to encourage the public schools to meet the market, and to get out there and be creative and innovative. I've toured a number of charter schools in Detroit. One of them was the Charter Academy of the Detroit School of Arts and Science. They had a substitute teacher when I was there last fall, teaching art—one for a school of 250 students. They had two science teachers with no text books, and the incentive that the kids were offered to come to this Edison charter school was a laptop for each student. At the end of the school year, they had no laptops. Well, they're back in business this year. This year they have art on a cart, and they still have no laptops. Edison was presumed to have been one of the more financially able charter institutions. It has failed miserably in that one particular school, and its financial condition nationally is in grave doubt.

We're charging the mayor of the city of Detroit with finding appropriate financial and academic institutions or contractors to run these schools. But there is nothing in the language of the bill that says that if he contracts with someone to charter and operate a school district, they ever have to open. Detroit receives \$2.5 million for declining enrollment that they may experience because the trend is that they have been experiencing it right along.

The other concern I had was that this legislation put too much power into the hands of the super numerary. Republicans worked very hard to bring the airport under control so there would not be unfettered opportunity for mischief, and this bill simply opens the door. I don't think this mayor in the city of Detroit would act outside of a bid process, but some mayor might. And this language is there until somebody sees fit to change it.

Ninety-five percent of the students in the Detroit Public School districts will be left behind even if these charters go up and they are active. They will be left behind with fewer resources. They will be left behind with buildings that people would like to have new. And the Governor has said that we weren't concerned for the children in the city of Detroit and their academic progress. We have no study that shows that the current charter schools in the city of Detroit are doing anything to enhance the academic abilities and performance of the students who attend them.

I voted "no" because this was a bill that was not well thought out. It was a bill that the House sent us to accept or reject, and it's my hope that the vote that we saw put up a few minutes ago is, in fact, the only vote we are taking on Senate Bill 143.

Senator DeBeaussaert's statement is as follows:

A number of my colleagues have already indicated their reasons for voting "no." We moved rather quickly to the vote. Had we had an opportunity, or had I been quicker at that moment, I would have offered these thoughts that had been distributed to the members on their desk from the Public Education Advocates. Because this is an extraordinary issue that has brought us back, I thought that the record should reflect some of the concerns of that organization for the record. So I'd like to read the comments of that organization that has been distributed to the members:

"Dear Senator:

The Public Education Advocates, a coalition consisting of labor and management groups that support public education in Michigan, strongly object to the House substitute for Senate Bill 143. This bill sets bad precedents in the following ways:

It creates a new chartering authority, a mayor, who has no educational ties. When the charter law was first enacted, the legislature very clearly selected only entities with ties to education to authorize charters. This was done, in part, to ensure charter schools would have the support from an educational community necessary to be successful.

It pays a school district (Detroit Public Schools), from the state aid fund, for students that are not being educated by Detroit Public Schools. Over the years the Governor, Treasury and the Department of Management and Budget have worked toward funding schools only for those students who are being educated by the school district. This bill flies in the face of that policy and treats school districts inequitably. It leaves other school districts that lose students to charters to ask why they are not reimbursed in some fashion.

It takes valuable resources from the rest of the schools in the state, whether they are losing students or gaining students too rapidly to keep up. All of these districts are struggling to provide a good education. Don't they deserve special attention? With the budget crisis currently facing the state, this payment seems unconscionable.

The payment to Detroit Public Schools gives the appearance the district is being made whole. This just isn't the case. If the new charter schools are populated entirely by students currently attending Detroit Public Schools, DPS will lose as much as \$53 million over five years. The monetary 'gain' provided by this bill is \$7.5 million over three years.

We do not object to the efforts of those trying to improve education in Detroit through special charters focused on high school and eventual graduation of those students. However, these specific kinds of schools can be chartered by Detroit Public Schools or Wayne RESA. The purpose could be the same as that in this bill, but the terrible precedents would not be set and the impact would not be as onerous.

Please vote 'no' on the House substitute for Senate Bill 143. Thank you."

That, again, was from the Public Education Advocates, and again, because of the importance of this issue that has brought us back, I thought that the record should reflect their concerns as they indicate there are other ways to accomplish many of these same goals, to allow chartering opportunities in the city of Detroit to take advantage of the financial opportunities that may be available from private donations. There are other opportunities available in existing law to accomplish that without setting the precedent. And again, if we are going to open the door to talk about this issue with charters, many of the serious concerns about existing charters are not accomplished in this bill. I think that we'd be best to let the new Legislature and the new Governor—and I'm sure they will—look at this issue more seriously and in a more in-depth basis in the future, and come back with a proposal that can accomplish many of the goals in a more comprehensive manner with greater deliberation. That's why I voted "no" at this point.

Senator Young's statement is as follows:

I voted against the legislation before us involving charter schools because I feel it is beginning to take us even further backwards in our attempt to help. I guess the conflict within this is one, yes, I firmly believe each individual child should be given an opportunity to receive an education that will benefit them in their future, for their loved ones and themselves, and their community. At the same time, for the life of me, I couldn't determine how we are going to benefit those youngsters; how we are going to benefit a school system when a school system is going to lose \$50-plus million—the same dollars that should be advocated on behalf of those youngsters who are in that school system. In this legislation I did not see an anecdote for that. I did not see a solution. I just saw a \$50-plus million hole.

But then I began to think about the history of our school system and our educational process to begin with. I think a lot of us have lost sight of this. There was a time when only the royalty—the kings, the queens, the princes, and the princesses—received an education. It was something that allowed them to continue that royalty, and that royal family dominated those individuals living in that community. Well, then we got smart here. We said to ourselves that every individual should have a right to an education. From that was born the public school system. Out of that public school system, supposedly, whether you were rich, poor, tall, short, fat, skinny, small, ugly, handsome, or cute, you had an opportunity to receive a quality education.

Ladies and gentlemen, we are losing sight of all of that. We have before us a piece of legislation that says it will allow, yes, 15 additional choices or opportunities—and "choice" seems to be the buzz word. Substitute it with "charter," which is supposed to mean choice. But again, I give you some more history. It was schools of choice that destroyed the communities in the urban community. Why did it do that? Because it created an A school against a lot of D schools by saying that even though you live in your own community, because I or someone else can afford to send you elsewhere, you will not go to school with the youngsters in your community. You will not know the people in your community. You will not know the businesses in your community because we are going to drive you to school or take you to school which is going to carry you in the morning and carry you in the evening, and it's the only opportunity you have to associate with your family, not your own community.

So it was a bad plan then. It is a bad plan today. It has destroyed our communities. But all of a sudden now, we have before us legislation that proposes to rebuild our communities which shouldn't have been destroyed in the first place. Ladies and gentlemen, this is a joke. The truth of the matter is that if we were concerned about quality education, we would make sure that every school is a choice school, not just a few. We would make sure that all schools offer the same educational opportunities, not just a few schools. And we wouldn't be willing to sacrifice generations of educational opportunities at the expense of having a few bright lights and hoping that the lights will get brighter over time.

We are becoming archaic in our thinking and going back to the days of the king or queen, when only the princess and prince were educated. Anytime we do this, we haven't talked about making sure everyone has an equal opportunity. We haven't talked about it being fair. What we have talked about is if you have a car; if you have a job, then you can

drive your child anywhere that you can get your child into, and then was born the word “open” school. Open to whom? Open to the economic advantaged? Not open to the youngsters whose parents don’t have a car, not open to the youngsters whose parents don’t have a job, and not open to the youngsters who want to be someone with their lives, even though they are living in a community that constantly pulls them down like a barrel of crabs. But no. And what scares me is we are continuing down that same path, continuing to destroy communities. But now all of a sudden, we want to rebuild communities. We want to put new schools in those same communities, when in the first place, we destroyed the communities.

It makes me wonder, and I think youngsters need to understand what economic shifts are all about, how politics play in it, and we call it political economy. I think we need to have a little education on that because the truth of the matter is we have reached a point now where we are talking about legislation that is going to be a \$50 million hole, which only proposes to provide \$2.5 million a year for student population loss.

If we are sincere about a public education, we would be working at making sure that public education in the state of Michigan was offered to everyone equally, giving everyone an opportunity, and every school and every community would not only be an anchor because it would be a beacon of the future and would let people know the future is about choice. But I think we’ve got to redefine choice because it should mean an equal educational opportunity for all involved.

That’s why I voted “no,” and if this legislation continues on that path, I will continue to vote “no.”

Senator Johnson’s statement is as follows:

I missed the vote on the Senate bill regarding charter schools and would like to indicate to my colleagues that had I been here, I would have voted “yes.”

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the Committee on Government Operations be discharged from further consideration of the following gubernatorial appointments:

Automobile Theft Prevention Authority Board of Directors

Ms. Valerie S. Knol, 23560 Loomis Court, Farmington, Michigan 48336, county of Oakland, as a member representing purchasers of auto insurance, succeeding Mr. David B. Robertson of Grand Blanc, who has resigned, for a term expiring on July 1, 2006.

Michigan Beef Industry Commission

Mr. Charles E. Markley, 13171 Tolling Road, Byron, Michigan 48418, county of Shiawassee, as a member, representing cattle feeders, succeeding Mr. Jack Knirk of Quincy, who has died, for a term expiring on May 31, 2004.

Blue Cross Blue Shield of Michigan Board of Directors

Mr. Stephen H. Terry, 4015 Zimmer Road, Williamston, Michigan 48323, county of Ingham, as a member representing general public retirees over the age of 62, succeeding Mr. Peter F. Seccia of East Grand Rapids, who has resigned, for a term expiring on February 18, 2004.

Board of State Canvassers

Mr. Eric J. Pelton 3260 Kern Way Court, Bloomfield Hills, Michigan 48304, county of Oakland, as a member, representing Republicans, succeeding Ms. Elizabeth Hardy of Franklin, who has resigned, for a term expiring on February 1, 2005.

Michigan Education Trust Board of Directors

Ms. Stacia K. Smith, 12780 Addison Road, Addison, Michigan 49220, county of Lenawee, as a member representing the general public, succeeding Dr. Marilyn Liddell of Constantine, who has resigned effective December 31, 2002, for a term beginning on January 1, 2003 and expiring on December 31, 2003.

Ms. Kathleen Schmaltz, 2300 Foote Manor Drive, Jackson, Michigan 49203, county of Jackson, as a member representing the general public, succeeding Mr. Thomas P. Sullivan of Brighton, whose term will expire on December 31, 2002, for a term beginning on January 1, 2003 and expiring on December 31, 2005.

Michigan Higher Education Assistance Authority

Ms. Sarah Richardville, 2060 North Custer Road, Monroe, Michigan 48162, county of Monroe, as a member, representing the general public, succeeding Ms. Shelly Goodman Taub of Bloomfield Hills, who has resigned, for a term expiring on May 22, 2004.

Michigan Hospital Finance Authority

Ms. Lois Shulman, 4838 Rolling Ridge Court, West Bloomfield, Michigan 48323, county of Oakland, as a member, representing the general public, succeeding Ms. Kathleen Schmaltz of Jackson, who has resigned, for a term expiring on March 1, 2006.

Board of Marriage and Family Therapy

Ms. Anita Taylor, 1218 Water Cliff Drive, Bloomfield Hills, Michigan 48302, county of Oakland, as a member, representing licensed therapists, succeeding Ms. Jennifer Hutchings of Big Rapids, who has resigned, for a term expiring on June 30, 2005.

Michigan Municipal Bond Authority Board of Trustees

Mr. Donald H. Gilmer, 7021 N. 46th Street, Augusta, Michigan 49012, county of Kalamazoo, as a member, representing the Speaker of the House of Representatives, succeeding Ms. Harriet Rotter of Bingham Farms, who has resigned, for a term expiring on January 1, 2003.

Mr. Donald H. Gilmer, 7021 N. 46th Street, Augusta, Michigan 49012, county of Kalamazoo, as a member, representing the Speaker of the House of Representatives, succeeding himself, for a term beginning on January 1, 2003 and expiring on January 1, 2006.

Northern Michigan University Board of Control

Mr. Larry C. Inman, 8971 Crockett, Williamsburg, Michigan 49690, county of Grand Traverse, as a member, representing the general public, succeeding Mr. Ellwood A. Mattson of Marquette, who has died, for a term expiring on December 31, 2006.

Michigan Board of Nursing

Ms. Lori A. Doyle, 3776 Meridian Road, Okemos, Michigan 48418, county of Ingham, as a member, representing the general public, succeeding Mr. Wayne Nargang of St. Johns, who has died, for a term expiring on June 30, 2006.

Oakland University Board of Trustees

Mr. Dennis Muchmore, 6226 Columbia, Haslett, Michigan 48840, county of Ingham, as a member, representing the general public, succeeding Dr. Linda S. Hotchkiss of Grosse Pointe Park, who has resigned, for a term expiring on August 11, 2004.

Michigan Racing Commissioner

Mr. R. Robert Geake, 48525 W. Eight Mile Road, Northville, Michigan 48167, county of Wayne, succeeding Ms. Annette M. Bacola of Grosse Pointe Farms, who has resigned, for a term beginning on December 21, 2002 and expiring on December 31, 2004.

Michigan State Waterways Commission

Mr. Edward P. Beauregard, 2444 St. Clair River Drive, Algonac, Michigan 48001, county of St. Clair, as a member representing the general public, succeeding himself, for a term expiring on September 18, 2003.

Mr. John A. Winn, 125 Belvedere Avenue, Charlevoix, Michigan 49720, county of Charlevoix, as a member representing the general public/marine trade industries that do not own or operate a harbor, marina or boat dealership, succeeding himself, for a term expiring on September 18, 2005.

Mr. David R. Giffin, 7421 Kenrob Drive SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing the general public/owner-operator of a harbor, succeeding himself, for a term expiring on September 18, 2005.

Mr. Frank P. Opolka, N3235 Woodland Drive, Iron Mountain, Michigan 49801, county of Dickinson, as a member representing the Upper Peninsula, succeeding himself, for a term expiring on September 18, 2004.

Mr. Robert G. Spicer, 126 Wooden Key Drive, Houghton Lake, Michigan 48629, county of Roscommon, as a member representing the general public/Lower Peninsula north of Townline 16, succeeding Mr. Frank P. McBride of Grosse Pointe, whose term has expired, for a term expiring on September 18, 2003.

Mr. Jon G. VanderMolen, 9684 West Gull Lake Drive, Richland, Michigan 49083, county of Kalamazoo, as a member representing the general public, succeeding Mr. Marc Howard of Mt. Clemens, whose term has expired, for a term expiring on September 18, 2003.

Mr. David V. Johnson, 8555 Stonewood Drive, Clarkston, Michigan 48346, county of Oakland, as a member representing the general public, succeeding Mr. David Grossman of West Bloomfield, whose term has expired, for a term expiring on September 18, 2004

On which motion Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

Senator Sikkema moved that the previous question be ordered.
 On which motion Senator Cherry requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1098**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

Protest

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion for the previous question to discharge the Committee on Government Operations from further consideration of gubernatorial appointments.

Senator Cherry's statement is as follows:

I voted "no" on the previous question to call the question because we ought not to be rushing to judgment here. It's legitimate to have a debate over whether we should take this off the table. Because that is a momentous decision, it reflects ultimately on the credibility that this institution that we all cherish; it reflects on the credibility of the institution to exercise its power of advice and consent. The Senate ought to be a deliberative body. It ought to exercise its power of advice and consent. It ought to do that deliberately. It ought to have hearings. It ought to consider the merits of appointees. To simply call the question on an effort to circumvent the process is the ultimate in questioning the credibility of the advice and consent powers. What are we afraid of here in a full airing of our procedural debate? I know that there is a time limit on this session. I know that at 11:45 we must, in fact, adjourn because of sine die. Let me assure you that it is not my intention to deprive this body of a vote on this simply through parliamentary procedure, but I think we ought to at least, as we rush to judgment, accord the members of the body their full procedural rights to debate the question; to question the procedure and to allow an airing of these issues. We have at least another 45 minutes to take this vote. Why do we want to deprive people the opportunity to discuss it? That's why I voted "no" on calling the question. Simply to me, it short-circuits the process and prevents us from proceeding in a credible way.

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

The motion prevailed.

Senator McCotter’s statement is as follows:

First, as a formality as chair of the committee, I would support the discharge and ask members to do so as well. Secondly, in response to the honorable vice chair of the Government Operations Committee, I do not remember ever having been asked for a confirmation hearing on any of the appointments that have come through in my tenure as chair of that committee. If I’ve missed one, I would apologize for that. I would certainly have been happy to oblige.

It seems to me that the Governor is properly and responsibly fulfilling the oath he took to serve in the capacity as the chief executive as this state through the end of his tenure. His tenure has not yet ended. We, on our part, took an oath to exercise the rights and responsibilities as members of this body until the end our tenure. It would seem to me that the Governor, who has exercised his ability to make these appointments, has submitted them to this Senate. It would seem to me that we are exercising our role very responsibly to go through those appointments and either reject or affirmatively assert our approval of those nominees.

The question being on the motion to discharge the Committee on Government Operations from further consideration of gubernatorial appointments,

Point of Order

Senator Smith raised the Point of Order that pursuant to Joint Rule 15 in regards to convening session in case of an emergency concerning Senate Bill No. 143 on the issue of charter schools, the confirmation of gubernatorial appointments are beyond the scope of the emergency session.

The President pro tempore, Schwarz, ruled that the gubernatorial appointments were properly before the Senate.

Senator Smith appealed the decision of the Chair.

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator Smith moved that the Senate adjourn.

The motion did not prevail.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 1099

Yeas—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Nays—20

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

The question being shall the decision of the Chair stand as the judgment of the Senate, Senator Byrum moved that the Senate adjourn.

The motion did not prevail.

Senator Byrum requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 1100**Yeas—11**

Byrum
Cherry
DeBeaussaert

Dingell
Leland
Miller

Murphy
Peters
Scott

Smith
Young

Nays—20

Bennett
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Schwarz
Shugars
Sikkema
Stille
Van Regenmorter

Excused—7

Bullard
Emerson

Gougeon
Hart

Koivisto
Steil

Vaughn

Not Voting—0

In The Chair: Schwarz

The question being shall the decision of the Chair stand as the judgment of the Senate, Senator DeBeaussaert moved that the Senate adjourn.

The motion did not prevail.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

Roll Call No. 1101**Yeas—11**

Byrum
Cherry
DeBeaussaert

Dingell
Leland
Miller

Murphy
Peters
Scott

Smith
Young

Nays—20

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

The question being shall the decision of the Chair stand as the judgment of the Senate,
Senator Sikkema moved that the previous question be ordered.

The motion prevailed.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1102**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

The question being shall the decision of the Chair stand as the judgment of the Senate,

The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

Roll Call No. 1103

Yeas—20

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

The question being on the motion to discharge the Committee on Government Operations from further consideration of the gubernatorial appointments,

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 1104

Yeas—20

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Schwarz

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

Senator Bennett moved that the gubernatorial appointments be considered en bloc.

The motion prevailed.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1105**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Hoffman

Senator McCotter moved that the Senate advise and consent to the said appointments to office.

The question being on advising and consenting to the appointments to office,

Senator Schuette moved that the previous question be ordered.

The motion prevailed.

Senator Cherry requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1106**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars

Dunaskiss
Emmons
Garcia

Hammerstrom
Hoffman
Johnson

North
Sanborn
Schuette

Sikkema
Stille
Van Regenmorter

Nays—11

Byrum
Cherry
DeBeaussaert

Dingell
Leland
Miller

Murphy
Peters
Scott

Smith
Young

Excused—7

Bullard
Emerson

Gougeon
Hart

Koivisto
Steil

Vaughn

Not Voting—0

In The Chair: Hoffman

The question being on advising and consenting to the said appointments to office,

The Senate advised and consented to the said appointments to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 1107

Yeas—20

Bennett
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Hammerstrom
Hoffman
Johnson

McCotter
McManus
North
Sanborn
Schuette

Schwarz
Shugars
Sikkema
Stille
Van Regenmorter

Nays—11

Byrum
Cherry
DeBeaussaert

Dingell
Leland
Miller

Murphy
Peters
Scott

Smith
Young

Excused—7

Bullard
Emerson

Gougeon
Hart

Koivisto
Steil

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Dunaskiss moved that the Senate proceed to order of the Messages from the Governor.
 On which motion Senator Dunaskiss requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1108**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Hoffman

Messages from the Governor

The following messages from the Governor were received and read:

December 13, 2002

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

Michigan Natural Resources Trust Fund Board

Mr. Sam Washington, 7327 Richardson, West Bloomfield, Michigan 48323, county of Oakland, as a member, representing the general public, succeeding Dr. Gordon Guyer of Eaton, whose term has expired, for a term expiring on October 01, 2006.

December 19, 2002

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

Governor's Traffic Safety Advisory Commission

Mr. R. Miles Handy II, 14986 Fox Street, Redford, Michigan 48239, county of Wayne, as a member representing local government, succeeding The Honorable Edward J. Gaffney of Wayne, who has resigned, for a term expiring on May 27, 2003.

December 19, 2002

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

Michigan Higher Education Assistance Authority

Mr. Richard Fortier, 6422 Beaver Lake Road, Alpena, MI 49707, county of Alpena, as a member representing the general public, succeeding Mr. Philip J. LaJoy of Canton, who has resigned, for a term expiring on May 22, 2005.

December 20, 2002

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

Manufactured Housing Commission

Ms. Mary Becker, P.O. Box 44, Holt, MI 48842, county of Ingham, as a member representing mobile home parks with less than 100 units, succeeding Mr. William C. Teachout of Alanson, whose term has expired, for a term expiring on May 9, 2005.

December 20, 2002

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

State Community Corrections Commission

Dr. Roger Kahn, 2404 Monikin Court, Saginaw, Michigan 48603, county of Saginaw, as a member representing city government, succeeding Mr. Edward Gaffney of Grosse Pointe Farms, who resigned, for a term expiring on March 29, 2005.

Sincerely,
John Engler
Governor

Senator Shugars moved that rule 2.104 be suspended to permit immediate consideration of the appointments.

Point of Order

Senator Smith raised the point of order that pursuant to Senate Concurrent Resolution No. 92, affixing the time for sine die adjournment, the emergency session had come to an end and the motion was not in order.

The Assistant President, pro tempore, Senator Hoffman, ruled that the motion was in order.

Senator Peters appealed the decision of the Chair,

The question being shall the decision of the Chair stand as the judgment of the Senate,

Senator McCotter requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The decision of the Chair stood as the judgment of the Senate, a majority of the members voting therefor, as follows:

Roll Call No. 1109**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Hoffman

The question being on the motion to suspend rule 2.104,
 Senator Sikkema moved that the previous question be ordered.
 On which motion Senator Cherry requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1110**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7

Bullard	Gougeon	Koivisto	Vaughn
Emerson	Hart	Steil	

Not Voting—0

In The Chair: Hoffman

The question being on the motion to suspend rule 2.104,
 Senator Cherry requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members voting therefor.
 The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 1111**Yeas—20**

Bennett	Gast	McCotter	Schwarz
DeGrow	Goschka	McManus	Shugars
Dunaskiss	Hammerstrom	North	Sikkema
Emmons	Hoffman	Sanborn	Stille
Garcia	Johnson	Schuette	Van Regenmorter

Nays—11

Byrum	Dingell	Murphy	Smith
Cherry	Leland	Peters	Young
DeBeaussaert	Miller	Scott	

Excused—7Bullard
EmersonGougeon
HartKoivisto
Steil

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Schwarz moved that the Senate advise and consent to the said appointments to office.
 The question being on advising and consenting to the said appointments,
 Senator Schwarz moved that the previous question be ordered.
 On which motion Senator McCotter requested the yeas and nays.
 The yeas and nays were ordered, 1/5 of the members present voting therefor.
 The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1112**Yeas—20**Bennett
DeGrow
Dunaskiss
Emmons
GarciaGast
Goschka
Hammerstrom
Hoffman
JohnsonMcCotter
McManus
North
Sanborn
SchuetteSchwarz
Shugars
Sikkema
Stille
Van Regenmorter**Nays—11**Byrum
Cherry
DeBeaussaertDingell
Leland
MillerMurphy
Peters
ScottSmith
Young**Excused—7**Bullard
EmersonGougeon
HartKoivisto
Steil

Vaughn

Not Voting—0

In The Chair: Hoffman

The question being on advising and consenting to the said appointments to office,
 The Senate advised and consented to the said appointments to office, a majority of the members serving voting therefor, as follows:

Roll Call No. 1113**Yeas—20**Bennett
DeGrowGast
GoschkaMcCotter
McManusSchwarz
Shugars

Dunaskiss
Emmons
Garcia

Hammerstrom
Hoffman
Johnson

North
Sanborn
Schuette

Sikkema
Stille
Van Regenmorter

Nays—10

Byrum
Cherry
DeBeaussaert

Dingell
Leland
Miller

Murphy
Peters

Scott
Young

Excused—7

Bullard
Emerson

Gougeon
Hart

Koivisto
Steil

Vaughn

Not Voting—1

Smith

In The Chair: Hoffman

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

By unanimous consent the Senate returned to the order of

Messages from the House

The following message was received and read:

December 30, 2002

I herewith return to the Senate the following Senate Bills and Senate Concurrent Resolutions which failed of passage or adoption by the House of Representatives:

Senate Bill Nos.	35	61	79	81	108	133	142	171	181	196	272	278	315	333
	334	362	371	380	390	391	392	420	433	436	438	439	440	442
	443	444	459	462	473	474	475	476	513	536	614	643	647	664
	720	726	727	728	732	733	734	751	752	755	756	760	782	792
	803	806	836	878	931	1013	1015	1041	1050	1052	1053	1054	1055	1092
	1125	1137	1202	1206	1233	1234	1235	1308	1320	1354	1375	1383	1393	1397
	1419	1449	1450	1451	1498	1506	1507							
Senate Concurrent Resolution Nos.														
	47	52	62	66	89	90	91							

Very respectfully,
Gary L. Randall Clerk
House of Representatives

The following message was received and read:

December 30, 2002

I have the honor to inform you that the House of Representatives has completed the business of the session and is now ready to adjourn sine die.

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

Senate Concurrent Resolution No. 76.

A concurrent resolution honoring Kathleen M. Wilbur, an original member of Governor Engler's cabinet.

(For text of resolution, see Senate Journal No. 74, p. 2508.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 77.

A concurrent resolution honoring Colonel Michael D. Robinson (Retired), Director of the Michigan Department of State Police, January 25, 1991 – March 1, 2002.

(For text of resolution, see Senate Journal No. 72, p. 2343.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 78.

A concurrent resolution honoring Doug Rothwell, President and Chief Executive Officer of the Michigan Economic Development Corporation.

(For text of resolution, see Senate Journal No. 72, p. 2344.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 79.

A concurrent resolution honoring Bill Martin, Director of the Michigan Department of Corrections, January 1999 - March 2002.

(For text of resolution, see Senate Journal No. 72, p. 2344.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 80.

A concurrent resolution honoring Colonel Stephen D. Madden, Director of the Michigan Department of State Police.

(For text of resolution, see Senate Journal No. 72, p. 2345.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 81.

A concurrent resolution honoring Dr. Douglas B. Roberts, State Treasurer.

(For text of resolution, see Senate Journal No. 72, p. 2346.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 82.

A concurrent resolution honoring Dr. William M. Anderson, Director of the Michigan Department of History, Arts, and Libraries.

(For text of resolution, see Senate Journal No. 72, p. 2346.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 83.

A concurrent resolution honoring Duane Berger, Director of the Michigan Department of Management and Budget.

(For text of resolution, see Senate Journal No. 72, p. 2347.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 84.

A concurrent resolution honoring John F. Lopez, Director of the Michigan Department of Civil Service.
(For text of resolution, see Senate Journal No. 72, p. 2347.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 85.

A concurrent resolution honoring Lynn Alexander, Director of the Michigan Office of Services to the Aging.
(For text of resolution, see Senate Journal No. 72, p. 2348.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 86.

A concurrent resolution honoring Jacque Passino, Director of the Michigan Department of Information Technology.
(For text of resolution, see Senate Journal No. 74, p. 2509.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 87.

A concurrent resolution honoring David K. Ladd, Director of the Office of the Great Lakes.
(For text of resolution, see Senate Journal No. 74, p. 2509.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 88.

A concurrent resolution honoring Don Gilmer, Michigan State Budget Director.
(For text of resolution, see Senate Journal No. 74, p. 2510.)

The House of Representatives has adopted the concurrent resolution and named the Speaker and the entire membership of the House of Representatives as co-sponsors.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 92.

A concurrent resolution prescribing the legislative schedule.
(For text of resolution, see Senate Journal No. 75, p. 2584.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Torts Limitations on Liability of Private Facilities (SB 380) submitted the following:
Meeting held on Thursday, December 12, 2002, at 9:50 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Bullard (C), Van Regenmorter and Peters

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Torts Limitations on Liability of Private Facilities (SB 380) submitted the following:
Meeting held on Friday, December 13, 2002, at 9:30 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Bullard (C), Van Regenmorter and Peters

The hour of 12:00 noon having arrived,

Pursuant to the resolution fixing the date for final adjournment and the provision of the Constitution determining the hour of such adjournment, the President pro tempore, Senator Schwarz, declare the Senate adjourned without day.

CAROL MOREY VIVENTI
Secretary of the Senate.