

No. 22
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Senate Chamber, Lansing, Thursday, March 6, 2003.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—excused
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Burton Leland of the 5th District offered the following invocation:

Dearest God, we bow before You and ask for Your guidance. As Your servants, give us the strength to do Your will—to feed the hungry, house the homeless, clothe the naked, heal the afflicted, and comfort the troubled souls among us.

Keep us ever mindful of the wonderful diversity that makes up our state and to be humble in the knowledge that we are all children of God. Shalom.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Hammerstrom moved that Senators Allen and George be temporarily excused from today's session. The motion prevailed.

Senator George entered the Senate Chamber.

Senator Jacobs moved that Senators Clarke and Scott be temporarily excused from today's session. The motion prevailed.

Senator Jacobs moved that Senator Schauer be excused from today's session. The motion prevailed.

Senator Scott entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Wednesday, March 5, of:

Senate Bill Nos. 244 245 246 247 248 249 250 251 252 253 254 255 256 257

Third Reading of Bills

The following bill was read a third time:

Senate Bill No. 180, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 224.

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. 19

Yeas—35

Barcia	Clark-Coleman	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema
Birkholz	Garcia	Kuipers	Stamas
Bishop	George	Leland	Switalski
Brater	Gilbert	McManus	Thomas
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cherry	Hardiman	Prusi	

Nays—0

Excused—3

Allen

Clarke

Schauer

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 195, entitled

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to require certain policies and procedures in the awarding of contracts; and to provide for the powers and duties of certain governmental officials and entities.

The question being on the passage of the bill,

Senator Jacobs offered the following amendments:

1. Amend page 4, following line 1, section 6, after “shall” by striking out “annually”.
2. Amend page 4, following line 1, section 6, after the second “charges,” by inserting “and the reasons why the additional charges were assessed”.

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

Senator Jacobs requested the yeas and nays.

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

Senator Allen entered the Senate Chamber.

Recess

Senator Sikkema moved that the Senate recess subject to the call of the Chair

The motion prevailed, the time being 10:16 a.m.

10:20 a.m.

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

The question being on the adoption of the amendments,

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

Roll Call No. 20**Yeas—13**

Basham
Bernero
Brater
Cherry

Clark-Coleman
Emerson
Jacobs

Leland
Olshove
Prusi

Scott
Switalski
Thomas

Nays—23

Allen
Barcia
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Toy
Van Woerkom

Excused—0

Not Voting—2

Clarke

Schauer

In The Chair: President

Senator Clark-Coleman offered the following amendment:

1. Amend page 4, following line 1, by striking out all of section 6 and inserting:

“Sec. 6. A qualified county or a local unit of government that contracts for services from a water or sewer system shall not charge its customers a rate that results in an amount more than 15% above the amount the water or sewer system charges to provide the service.”.

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

Senator Clarke entered the Senate Chamber.

Senator Clark-Coleman offered the following amendment:

1. Amend page 4, following line 1, by striking out all of section 6 and inserting:

“Sec. 6. A qualified county, qualified city, or a local unit of government that contracts for services from a water or sewer system shall not charge its customers a rate that results in an amount greater than the amount the water or sewer system charges to provide the service.”.

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

Senator Jacobs requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 21

Yeas—13

Barcia
Bernero
Brater
Cherry

Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove

Prusi
Scott
Thomas

Nays—24

Allen
Basham
Birkholz
Bishop
Brown
Cassis

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senator Thomas offered the following amendment:

1. Amend page 4, following line 1, by striking out all of section 6 and inserting:

“Sec. 6. (1) A qualified county, qualified city, or local unit of government that contracts for services from a water or sewer system shall not charge its customers a rate greater than the rate allowed under section 1 of 1917 PA 34, MCL 123.141.

(2) An independent audit shall be performed not less than annually to ensure that the rates of each county, city, or local unit of government subject to subsection (1) are not in violation of section 1 of 1917 PA 34, MCL 123.141.”.

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

Senator Jacobs requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 22**Yeas—12**

Barcia
Basham
Bernero

Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Olshove

Prusi
Scott
Thomas

Nays—25

Allen
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Cropsey
Garcia
George
Gilbert
Goschka
Hammerstrom

Hardiman
Jelinek
Johnson
Kuipers
McManus
Patterson

Sanborn
Sikkema
Stamas
Switalski
Toy
Van Woerkom

Excused—1

Schauer

Not Voting—0

In The Chair: President

Senator Thomas offered the following amendment:

1. Amend page 3, following line 8, by inserting:

“Sec. 4. (1) No later than 180 days after the effective date of this act, each contract for services between the water or sewer system and a qualified county, qualified city, or local unit of government shall be reviewed and renegotiated regarding the terms and conditions of the contract.

(2) The city or village that owns or operated the water or sewer system is not obligated or required to continue to provide services under the contract after the date provided for under subsection (1).” and renumbering the remaining sections.

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

Senator Thomas offered the following amendment :

1. Amend page 3, following line 8, by inserting:

“Sec. 4. (1) No later than 180 days after the effective date of this act, each contract for services between the water or sewer system and a qualified county, qualified city, or local unit of government shall be terminated and all stranded costs are immediately due and payable.

(2) The city or village that owns or operated the water or sewer system is not obligated or required to continue to provide services under the contract after the date provided for under subsection (1).

(3) As used in this section, “stranded costs” means any costs incurred while providing service to the county, city, or local unit of government including, but not limited to, debt service on any outstanding bonds, the cost of capital assets of the system, and all other appropriate related costs.” and renumbering the remaining sections.

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

Senator Jacobs requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 23

Yeas—13

Barcia	Clark-Coleman	Jacobs	Prusi
Bernero	Clarke	Johnson	Scott
Brater	Emerson	Leland	Thomas
Cherry			

Nays—23

Allen	Garcia	Jelinek	Sikkema
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman	Sanborn	

Excused—1

Schauer

Not Voting—1

Basham

In The Chair: President

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. 24

Yeas—23

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Olshove	Van Woerkom
Cropsey	Hardiman	Patterson	

Nays—14

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke
Emerson

Jacobs
Leland
Prusi

Scott
Switalski
Thomas

Excused—1

Schauer

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Protests

Senators Basham, Leland and Scott, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 195 and moved that the statements they made during the discussion of the bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Basham’s first statement is as follows:

I rise today to oppose Senate Bill No. 195 and also House Bill No. 4206.

First, I’d like to speak to the process that has produced this bill. I remember for the last four years when most of us were members of the House and the ruling party was the same party as the Governor, we used to see all kinds of shenanigans to push through partisan legislation. I thought that as we moved to the Senate and a new administration that the Democratic Caucus would have the opportunity to be part of the process. Sadly, it appears I may have been mistaken. I am the Democratic vice chair of the Local, Urban and State Affairs Committee. The first time I saw this version of Senate Bill No. 195 was the minute I walked into the committee room. The chair of this committee will say that a three-and-a-half-page bill can be read rather quickly, and the issue is well-known throughout the Capitol. As a Senator from the same suburb that supposedly supports this bill, I would have appreciated the opportunity to take this bill to my local units of government and to hear their input. I would have liked to work with the chair to make this a bill that we could all support. I think our staff should have had the opportunity to carefully study the legislation for any unintended consequences. As it stands, we are left with a partisan piece of bad legislation that leaves a sour taste in the mouth of everyone who worked on this legislation.

Let’s look back at the history of this bill. Back in the 1940s and ’50s the southeast Michigan region was remarkably different than it is today. Back then, suburbs needed the water system provided by the city of Detroit to grow. The city did not want to extend its water system to the suburbs, but the suburbs found the costs of creating their own system prohibitive. So the city of Detroit extended its lines at its own expense to service its suburban neighbors.

Now legislators from these same suburbs are attempting a power grab, claiming they are the ones who built that system and that they deserve control of the system and that they are the ones who are the victims of taxation without representation. Well, I think we need to set the record straight.

First, the customers who receive water from the Detroit water board are just that—customers. Paying the city of Detroit for providing the suburbs water does not mean they built the system any more than saying I built my local Kmart by shopping there for years.

Second, suburban legislators supporting this legislation want to control the system. They will tell you that it is not a takeover; that they do not want to own the system; they just want to be able to control the rates and contracts of the system. How do you think Ford Motor Company would react if I walked into their boardroom and said, “Hey, I just bought a new Ford pickup, so why don’t you just let me sit on the board of directors? I’m going to decide how much

you can charge me for my truck and what suppliers you can contract with, but I don't want to own you." I think Ford Motor Company would react just like most of us would and calmly ask me to leave. You see, if I were to run Ford Motor Company, I wouldn't legally own it, but I sure as heck would act like I did.

Finally, some of the suburban supporters of this legislation claim that this is taxation without representation. Now, I'm not an expert on the American Revolution, but I seem to remember that taxation without representation was a cry against mandatory taxes. There is nothing mandatory about the fee a suburb pays for receiving its water from the city of Detroit. Any one of these suburbs may build their own system whenever they want. In fact, in my district, the city of Wyandotte has done just that. The city of Wyandotte has built its own water system.

We all know that the city of Detroit has its problems just like many other aging urban centers. The challenges facing the Detroit water board are well documented, and I believe the suburbs should play a role in helping to solve those problems. I just don't believe these bills are the answer. I encourage my colleagues to vote "no" on these bills. That's the way I'll be voting.

Senator Basham's second statement is as follows:

My good colleague from across the aisle from Royal Oak raised an important issue relative to security. We should make comments about us being under crisis. I thought that was a very legitimate issue. I apologize for not commenting on it earlier.

In committee, there was an independent security consultant—I believe he was from Texas—who said that the Detroit water system is safe, and they're using it as the national model. I would assure you that we did get testimony in committee from an independent consultant who said that the Detroit water supply is safe, and they are using it for the national model.

Senator Leland's statement is as follows:

The Senator from the 6th District gave us a passionate and historical perspective on what some of the problems have been in Detroit. As I was sitting here listening to the Senator from the 6th District, I got to thinking about a couple of things.

Is this bill really about rates or is it about race? You know, the problems that the Senator from the 6th District talked about have been going on—as she stated—for over 30 years. Isn't it interesting that, as the demographics of the city of Detroit has changed, as the political front office has changed, now we have begun to deliberate on this issue, and we want to take it over from the city of Detroit. If all of these problems have been going on for all these years, why didn't somebody do something about it when Mayor Cavanagh was the mayor or Mayor Roman Gribbs was the mayor?

I remember as a young person playing on the streets and seeing water mains break in the Dexter and Davison area and Pinehurst and Curtis area—places where I grew up. There were problems then; there are problems now, but no one ever talked about a takeover of the water system until the demographics of the city had changed. That's just the way I look at it. I don't really think this is just about better service or better rates. I think it's become—once again—an attack on the city of Detroit. I think it's a matter of race not rates. I urge my colleagues to vote against the passage of Senate Bill No. 195.

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

I rise in opposition to this bill, Senate Bill No. 195. I think it's time for us to really say what we mean and mean what we say. When we say that we want to work together with suburbs and cities, you know, we ought to mean that.

We continue to take from the older communities. That's how you got built up—from the older communities. You continually say, "Pick up yourself by your bootstraps." Well, whenever we do, you just take them all away. You whittle, year by year.

Most of my colleagues in here were my colleagues when I was in the House. I remember when I asked them to allow me to have an audit for my city on the water. I knew they were gouging the residents. Well, heads were turned, but I understand today now why they were.

You're not concerned about the residents of the communities and what they pay. If I read the stats that I believe it was the *Detroit Free Press* put out this weekend, it indicated how much the markups were. Today you've had the opportunity to do something about that. You have not done that. It's not about that. It's about continuing to take from the city of Detroit. Why? What is this all about? We continue to have committee meetings and all of that. We talk about the sprawl and all of that. You don't really mean that. That's what you want to do. You want to continue to separate. How do we build a One Michigan if you continue to separate? I've heard so many say that they believe in this One Michigan. With this bill, it will totally destroy the cities and suburbs in working together.

I know there are a number of my colleagues who really don't want to vote for this. But there's been so much said about this that they really feel that their constituents feel that way because they're not really apprised of what's really going on—that Detroit is not charging them that much. Just as I felt that my city, even though we have our own water, we use Detroit's sewerage in Highland Park. I knew that we were being—I looked at the papers, and finally I saw where they're marked up over 300 percent. I think it's wrong. I don't care who does it. It is wrong, and it is wrong for us to go along with it.

I would say to my colleagues today: Stop the foolishness; stop the nonsense. Don't support this bill because it is wrong. I always say that how you treat the least of these, then you've done it unto Thee. We pray every day to the good Lord up above. We want to do right and ask Him to guide us. Well, I know He's not guiding you to do stuff like this. This is terrible. If you want your own water system, then build your own water system, but don't take away. Every time we have something for Detroit, you treat Detroit differently. The land bank—you wanted to treat Detroit differently. Thank God, that one didn't pass over here, but I'm sure that will probably be the next one.

I am just tired of this. We have one vote for the whole state of Michigan. I would hope that you would treat every citizen in this state the same because we are one people. Whether you want to admit it or not, we all came here from the same mother and father. It's time for us to work together so that we can have peace and harmony. We don't have any money because the former administration spent it all. So now let's try to work together with what we have left. Don't continue to take from Detroit. If you want your own, you can do that. I would hope that we would not continue this because I was very insulted. If anyone was insulted, you couldn't have been insulted more than I am about this bill.

Senators Sanborn, Toy, Clark-Coleman, Sikkema, Emerson and Cassis asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Sanborn's statement is as follows:

I rise to support Senate Bill No. 195. I've spoken earlier and said that we've already paid for this delivery system by higher rates, and it is all of our water; all of Detroit, all of Michigan—it's the Great Lakes. We're also bound by contract here—a long-term contract. We can't pull out. You can't stop delivery. It is a contract that you have.

The bill does two very good things. I thank the hard work of the Senator from the 6th District, all the hard work that she has done. It provides representation with regard to taxation—accountability. I thank you for that.

To the Senator from the 7th District, I thank him for his hard work because he provides disclosure. It's very important that we all know what we're paying for—additional accountability.

Therefore, I ask that my colleagues support this legislation. I will be voting "yes."

Senator Toy's statement is as follows:

I would like to make a response to my good friend, the Senator from Taylor, that there was no time in the committee to look at the bill. So I have to refer my good friend back to Senator John Bennett of 1978, Senator Honigman, recently Senator Bullard, and last year, Representative Drolet. This question, this problem, this issue has been around for more than 20 years, Mr. President, as we stand here today to look at Senate Bill No. 195 for all ratepayers and their confidence. I spoke yesterday that southeastern Michigan residents deserve a safe, steady, and cost-effective water supply. More than 43 percent of Michigan's population gets its water from the Detroit Water and Sewerage Department. That's almost half of this state's population and more customers than SBC Ameritech serves. Yet most of those people have no say in how the department manages the system. This bill gives all areas served by this system a seat at the table. Only 1 in 4 department customers are city of Detroit residents, yet Detroit holds a majority on the water and sewer department.

Most suburban communities have no other choice but to get their water from Detroit. Even if they wanted to get their water from another source, and many of them do, they can't afford it. The people of southeast Michigan need an independent, impartial board overseeing its water supply. Nothing could be more vital to the safety and prosperity of the region than a dependable, steady water supply. This bill keeps control of the department with the city of Detroit, while creating an independent oversight board. The bonds that built the system were financed from ratepayer funds, more than three-fourths of which were from suburban customers. Suburban communities have invested too much money to build their own system now. That's the safe water supply of it, the steady water supply.

After 30 years of mismanagement and lack of adequate oversight, today, now is the time to fix this problem. Customers need to know that their water system is being effectively managed. This bill gives them that assurance. That water southeast Michigan uses comes from the Great Lakes. The city of Detroit has no more claim to this water than does any other community in Michigan.

Paying a premium price for low or no water pressure is not acceptable. Water pressure problems, capacity issues, and aging infrastructure all affect a dependable, steady water supply. Customers need to know they can count on their water supply to be safe, steady, and affordable—cost-effective water supply.

Nearly 5 million residents need to have their failing and broken water system fixed. Too long have they waited for action from the department and too long has it failed to meet its expectations. Water rates are up 37 percent since 1997, yet mismanagement and inadequate service continues. The department still wants more—up to 50 percent increase in rates over the next two years. Suburban customers in southeastern Michigan are paying higher and higher costs while the department has failed to collect nearly \$60 million in delinquent fees from Detroit city residents and businesses. Interestingly that amount generated by the higher rates to the suburbs roughly equals what the department hasn't collected from its own residents.

We no longer can afford to let the Detroit Water and Sewerage Department to be managed like it has been for the last 30 years. The price for maintaining the status quo far exceeds the price we will pay today for greater accountability

and oversight. This bill makes sure rates are fair and contracts are managed for the best interest of the consumers, not of favored vendors.

Through you, Mr. President, to the Governor: Please, Governor Granholm, you and your family live in southeastern Michigan. You use the water. You drink it, you bathe in it, and you cook with it. You know the problem and the problems are there. Governor, you signed an executive order on your first day in office to dispose of government waste, fraud, and abuse. Well, Governor, we have found it with this bill.

Senator Clark-Coleman's statement is as follows:

I guess I am not the only one who opposes this bill. I am looking at a letter dated March 4 from the city of Grand Rapids, and it says—it was addressed to Mayor Kilpatrick. It says, "Dear Mayor Kilpatrick: Recently we held a meeting of the urban core mayors group in Lansing. At that time, we learned that your city's water and sewerage department, one of the most admired providers of service to a regional area in the country, is once again under attack from state government. It wants to legislatively remove local control in favor of some 'regional' board which would presumably assume authority over the department's operation. Here is another example of unwanted solutions searching for problems. To say it another way, this is an issue of local control. Time and again, we in city government find ourselves defending our good practices and cost-effective local government against attempts by some of the folks in the Legislature to take away our authority and good local responsibility where, as here, there is no justification. It is not only insulting, it is poor policy in the strongest possible terms. I add my voice to yours in opposition to any such legislation." This is signed by John Logie from the city of Grand Rapids.

So when you are considering this bill, consider the fact that even the mayors around this city and in a city by the name of Grand Rapids—and I am sure somebody in here represents Grand Rapids—that you would ignore, you would ignore the mayors in your own city.

Senator Sikkema's statement is as follows:

I rise to support this bill and the House bill that will come after this.

In my view, this legislation is about accountability and representation. It's about establishing a mechanism that will assure the people who are served by this particular system and pay for this system that the rates are fair and that all the contracts are above board.

Now there have been a lot of comments made and a lot of charges made about what this legislation does and what it does not do, and I want to answer at least a few of them.

One of the comments that has been made is that this is another Lansing takeover of the city of Detroit or something owned by the city of Detroit. I want to make it clear to everybody that nothing in this bill changes who owns the Detroit Water and Sewerage Department. In fact, this legislation before us today in that sense represents a pretty dramatic departure from legislation that's been introduced in the past, as recently as last session which did, in fact, take over the ownership of that system. This legislation does not do that. It does create an authority board that's made up of representatives of the areas served by this system that will provide oversight on rate increases and contracts in a similar fashion to the way that the Public Service Commission provides oversight on public utilities.

Another observation has been made that it's the suburbs that increase the rates that are paid by the customers. Once again, this bill is about ensuring accountability and representation. There are two pieces to customer water bills that are served by this system. One piece is the water that's provided to the borders of the suburbs, and then the other piece is the charge on the bill that the suburbs levy for delivering it from their border to individual homeowners.

Now one of the amendments adopted on General Orders does ensure that all the customers will know what the difference is between the charges made by the city of Detroit that brings the water to the suburban borders and the charges that the suburbs then add to pay for delivery to the homeowner. There's also a very important distinction between those two charges. That is, if you live in a particular community, you elect your city council or your mayor, and there's direct representation in that sense. That's what is missing today on the other charge. That's what is provided by this legislation.

I've heard the comment from a person who is not supporting the legislation that you ought to look at this as customers of a utility—that customers of a utility don't get to set the rates for the utility. That's true, but until there's competition for a utility, there's an oversight board that does provide oversight on the rates. That's exactly what this authority does. It provides oversight on the rates.

I've read another accusation that this bill is divisive and that it pits suburbs against the city of Detroit, and that in that sense, it increases tension in southeast Michigan. I would submit to my colleagues that ensuring accountability and representation is always good public policy. If there is tension and divisiveness today, it's because it's been building and building and building for 30 years. The only way to relieve that tension is by providing representation and accountability. I think one of the points that's been lost in this debate is that up until this legislation, people who don't have representation on the body that establishes the rates have a very convenient target for their anger and their questions. But if this legislation becomes law, now they do have direct representation.

The fourth comment I've heard is we ought to give the current mayor of Detroit more time. Accountability in government is not a function of personality. It's not a function of who occupies a certain office at a certain time. Accountability is an institutional issue. We have a Freedom of Information Act and an Open Meetings Act because that ensures institutional accountability. We don't say because some committee chair believes in open meetings, we don't need an act on the books that provides for an Open Meetings Act. Accountability is an institutional issue; it's not a function of who sits in a particular office at a particular time.

Lastly, I've also heard it suggested that we should not pass this bill because of the possibility that it will be vetoed. Never in my 16 years in the Legislature under Republican governors or Democratic governors, under Republican control of the House where I served prior to the Senate or Democratic control of the House has a legislative body ever abdicated its responsibility to do what it thinks is the right thing to do. It is my hope that I will never ever see that, regardless of partisanship, regardless of partisan control of the Senate or the House or who sits in the governor's office. I believe this is the right thing to do.

Now the response we've heard from some is that the status quo is acceptable. I don't agree. If somebody else has an alternative to this legislation that accomplishes the two goals of this package—accountability and representation—I, for one, am willing to listen, but we should not wait to do what we think is the responsible thing to do.

Mr. President, this issue has been festering for a long, long time. I'm not an expert on the history of this, but I've read that the first legislation introduced to provide accountability and representation was introduced in the early '80s. We've had a bill similar to this introduced every session since.

It's time for us to act. It's time for us to provide some sense of accountability and representation in this system. It's my hope that we will pass this legislation today as I've indicated. I hope that I speak for all my Republican colleagues who are open to other ideas on how to deal with this situation, but we're long past the time where we can just sit, do nothing, and accept the status quo.

Senator Emerson's statement is as follows:

When I first took a look at this bill—we are a customer and my constituents are customers of the city of Detroit. We get our water from the city of Detroit, and everybody portrays this as a suburban issue. I doubt that anybody considers Flint a suburb of Detroit. I took an interest in looking at this bill.

When I noticed what incredible markups there were in the city of Flint, I appreciated the fact that the bill was introduced because it gave me a reason to call them and ask why they were raising the water rates from the city of Detroit 279 percent, for which they could give me very inadequate answers. We have begun to hold them accountable for the water rates they charge us. I think in each community people ought to hold their own people accountable for the water rates they choose to set.

As far as bad debt, I assume there's bad debt in every system. Yesterday we heard that we ought to do this because of some bad debt Detroit has. Well, bad debt in Detroit, according to a lawsuit settlement, has to be paid for by Detroit ratepayers, and so Detroit ratepayers are paying for bad debt within the city of Detroit. It's not charged to customers outside of the city of Detroit.

While I believe that we ought to have accountability, certainly giving control of a system to somebody else is not accountability. It's giving away ownership and control. Control is ownership, and in this case, the city of Detroit built the system. In Genesee County, we have explored the option of creating our own water system. We've decided that it is way too expensive, and we can't do it as cheaply as we can buy the water from Detroit. So Detroit offers an efficient system in our case because we can't do it as cheaply as they can provide it to us. We've decided that we're not going to build a new system, even though we continue to explore that option. If rates get high enough, that option may look better to us.

Right now, Detroit built that system. While I've heard lots of arguments on some of the amendments about contract law, and while I'm not an expert nor a lawyer on contract law, it seems to me that every community that has a contract with the city of Detroit and operate under the current system—that this entire law doesn't violate the same provisions that they cited as arguments against some of the amendments.

What really bothers me is that, once again, we're trying to take over ownership of something in Detroit. We did it in the last session of the Legislature when we took over the schools, and I have to say that I was a part of that. I co-sponsored the bill, but I wasn't sponsor of the bill that did what the bills did in the end. In the end, what they did was give the Governor total control over who was hired as superintendent of the Detroit schools. They gave the Governor's appointee veto power over any hiring decisions of the new school board that we put in place. So we said that we didn't trust anybody in Detroit; that the only people who could be trusted were people here in Lansing, Grand Rapids, and other places. They're the ones who can be trusted to make good sound decisions for the city of Detroit.

I think there's a trend here that's developed. I don't know how we ever get past that and how we ever get to what the Senator from the 2nd District said when she indicated that at some point in time we need to move beyond all of these issues that drive everybody apart; how we really find solutions that are going to provide us with the accountability we want.

While we heard that this issue is over 20 years old, that certainly will never explain to me why in committee we would not give the members on our side of the aisle time to read the bill. Nothing will explain why it is imperative that

we report the bill today; that we send it over to the House. It's been sitting around for 20 years; another couple of days would not hurt, while reasonable people try to work out solutions.

I think this is more about politics than it is public policy. I understand politics and people wanting to make a point, people wanting to demagogue; those people who feel a need in suburban communities, to answer—not for the actions of their own communities. It's always better and easier to see the speck of wood in somebody else's eye than it is to look at our own system. But I've begun to look at my own system because of these bills. We're questioning what they're doing.

I'm voting against this bill because I view it as nothing more than a takeover. While I use to rent before and felt I paid rent long enough so the owner ought to give me the house, he never felt that was the case. He never let me set the rent. So I view this as nothing more than a takeover, especially when we create the majority from the suburban communities. So I plan to vote "no."

Senator Cassis' statement is as follows:

Let's for just one minute hypothetically imagine that the regionally served water and sewer department was located in the suburbs rather than Detroit. Say, for instance, it was located in Northville or Livonia. If the system served Detroit, but Detroit had no voice in the decision making, would there not be a cry for representation in the name of fairness from our largest Michigan city? We need this legislation now, and I urge immediate passage.

The following bill was read a third time:

House Bill No. 4206, entitled

A bill to provide for the approval of certain contracts involving the operation of city and village water and sewer systems; to create an authority; and to provide for the powers and duties of certain governmental officials and entities.

The question being on the passage of the bill,

Senator Toy offered the following substitute:

Substitute (S-3).

The question being on the adoption of the substitute,

Senator Leland offered the following amendment to the substitute:

1. Amend page 2, line 18, after "system" by inserting "and that have agreed to be annexed by the city or village that owns the water or system."

The amendment to the substitute was not adopted.

Senator Thomas offered the following amendment to the substitute:

1. Amend page 5, following line 4, by inserting:

"Enacting section 1. This act does not take effect unless Senate Bill No. 195 of the 92nd Legislature is enacted into law."

The amendment to the substitute was not adopted.

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

Senators Switalski and Olshove offered the following substitute:

Substitute (S-2).

The substitute was not adopted, a majority of the members serving not voting therefor.

Senator Jacobs moved that Senators Scott and Prusi be excused from the balance of today's session.

The motion prevailed.

Senator Switalski requested the yeas and nays.

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

The substitute was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 25

Yeas—13

Barcia
Basham
Bernero
Brater

Cherry
Clark-Coleman
Clarke

Emerson
Jacobs
Leland

Olshove
Switalski
Thomas

Nays—22

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Patterson	Van Woerkom
Cropsey	Hardiman		

Excused—3

Prusi	Schauer	Scott
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Not Voting—0

In The Chair: President

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. 26**Yeas—23**

Allen	Garcia	Jelinek	Sanborn
Birkholz	George	Johnson	Sikkema
Bishop	Gilbert	Kuipers	Stamas
Brown	Goschka	McManus	Toy
Cassis	Hammerstrom	Olshove	Van Woerkom
Cropsey	Hardiman	Patterson	

Nays—12

Barcia	Brater	Clarke	Leland
Basham	Cherry	Emerson	Switalski
Bernero	Clark-Coleman	Jacobs	Thomas

Excused—3

Prusi	Schauer	Scott
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Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
Senator Hammerstrom moved that further consideration of the bill be postponed for today.
The motion prevailed.

Protests

Senators Switalski and Cherry, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4206.

Senator Switalski moved that the statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

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

I think there is a real issue here, and my colleague from Warren and I are intimately involved in it. I think the city of Warren has been in the forefront of this actually bringing suit for public disclosure of the rate structure. My brother, who happens to sit on the circuit court in Macomb County, actually heard that case and ruled in favor of that public disclosure. I think the Majority Leader spoke well and identified the issues as being representation and accountability. These are real issues in front of us today. I think the current situation calls for some change, and he asked for substantive and serious alternatives. My colleague and I would like to propose one and hope that it will be accepted in the spirit it’s offered.

This substitute centers on these two issues and principally does two things. One, it provides the suburban areas with autonomous power to appoint their own representatives. As you may know, right now the suburban communities—Wayne, Oakland, and Macomb—provide the mayor of Detroit with a list of three people they would like to sit on the board, and the mayor gets to choose who the suburban representative is. This substitute would change that and allow the suburban communities to appoint their own representatives. I think that would be a step forward and would be reasonable. That would still leave the city of Detroit in majority control of that board—4 to 3 on a seven-member board. But it would provide the suburbs with a more effective and more high-profile representative to speak to their interests.

I’m going to let my colleague from Warren speak to making the rate structure public, and I support him in that on why that’s important to do that. But I would like to just describe some reasons why I think this approach in the substitute is preferable to the one that is before us in the bill. The substitute will maintain that seven-member board, and it will maintain the ownership and control in the city of Detroit. It will not take that away from them. I think that in doing so, it respects the private property ownership of the city of Detroit and avoids what I believe is an unconstitutional taking of Detroit’s property without just compensation. I think that’s a very serious issue, and I think that people have tried to sidestep that by talking about Detroit still owns the system, but I think control inevitably means ownership, and I think the courts would see through that.

Secondly, I’ve asked for and received a legal analysis from staff which concludes with as a final note that an assistant city attorney in Warren involved in Warren’s suit versus Detroit believes that it is a certainty that Detroit would sue over any changes to governance or rate structure. If we don’t take over the system, then I think we’re not going to be subject to such a suit. And while it’s true that I do have two brothers in the legal system, I do not at this time support full employment for attorneys, given the current government budget shortages. So I don’t think we should engage in legislation that is going to subject us, my community, the communities around us, and the state to very costly legislation, and I object to legislation that would embroil me in that.

Finally, this substitute allows the suburbs to retain their rights as customers and to shop elsewhere without being saddled with ownership. If I could appeal to my colleague, the chair of Appropriations, I am old enough to remember that song, so I would ask her, honey, don’t vote for the bills; please vote for the substitute. As it’s been mentioned, for many years in DARTA the suburbs have been reluctant to combine SMART and DDOT because they are afraid of acquiring high debt and liability. I would ask why then would we willingly acquire the Detroit water and sewerage system which dwarfs DDOT in the size, cost, and complexity in potential new costs?

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that rule 2.106 be suspended to allow the Committee on Appropriations to meet during Senate session.

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

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

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 24

The resolution consent calendar was adopted.

Senator Jacobs offered the following resolution:

Senate Resolution No. 24.

A resolution to commemorate the 50th Anniversary of the Michigan Science Teachers Association.

Whereas, As children of the information age, we are all well aware of the importance that knowledge plays as the lifeblood of progress. With this in mind, it is a sincere pleasure to recognize the vital role being filled in our society by the Michigan Science Teachers Association. Indeed, this outstanding organization, founded on April 26, 1953, will be celebrating its 50th Anniversary at its annual conference in Grand Rapids, March 13-15, 2003; and

Whereas, The mission of the Michigan Science Teachers Association is to stimulate, support, and provide leadership for the improvement of science education throughout Michigan. In this capacity, the association has been a strong contributor to the efforts of the Michigan Department of Education in the improvement of science teaching, assessment, and research; and

Whereas, The specific purposes of the Michigan Science Teachers Association include public dissemination of knowledge and materials related to science; encouraging scientific thinking and scientific inquiry through the teaching of science; cooperating with other organizations and working for the professional growth of all those engaged in science education; providing publications and activities dedicated to its mission; and organizing a yearly statewide conference to promote the vision of professional development and science advocacy in Michigan; and

Whereas, If there is a single hallmark of the Michigan Science Teachers Association, it is its firm commitment to looking to the future. Today's association, with its exceptional director, David J. Larwa, and dedicated and highly efficient staff, offers unsurpassed resources for the science education community. The services offered by this wonderful organization will only become more important to the people of Michigan in the years to come; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby accorded to commemorate the 50th Anniversary of the Michigan Science Teachers Association and its annual conference; and be it further

Resolved, That copies of this resolution be transmitted to Executive Director David J. Larwa and the members of the Michigan Science Teachers Association as evidence of the Michigan Senate's admiration and respect.

Senators Toy, Cassis, Garcia, Van Woerkom, Basham, Prusi, Goschka, Cherry, Birkholz, Bernero, Clark-Coleman, Clarke, Brater and Jelinek were named co-sponsors of the resolution.

Senators Patterson, Birkholz, Prusi, Kuipers, Brown, McManus, Van Woerkom, Gilbert, Allen, Leland, Schauer, Garcia, Goschka and Cherry offered the following concurrent resolution:

Senate Concurrent Resolution No. 11.

A concurrent resolution to memorialize the Congress of the United States and the Environmental Protection Agency to repeal a certain regulation that provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act.

Whereas, One of the most frustrating issues facing the Great Lakes is the threat from nonindigenous species. Invaders like the zebra mussel, the round goby, and the ruffe damage the ecology of the Great Lakes and connecting waterways in many ways. The impact of exotic species on municipal water systems, fishing, and aquatic plant life exacts a terrible toll on the nation's most important freshwater resource; and

Whereas, Michigan has exercised consistent leadership in the effort to prevent the arrival of more nonnative species. Our state has put incentives in place in an effort to curb the release of untreated ballast water from the ships that traverse the lakes, which is the primary source of these foreign species. As a state that has suffered significantly because of organisms released into the lakes through the discharge of ballast water, Michigan has repeatedly called for stronger steps to prevent this from happening; and

Whereas, The effort to halt the introduction and spread of nonindigenous species through ballast water discharges is frustrated by current federal regulations under the Clean Water Act. Although this key federal act requires permits through the National Pollution Discharge Elimination System for discharges, 40 C.F.R. § 122.3(a) provides that discharges from vessels that are incidental to normal operations are exempt from the permit requirement. Many groups are working for the repeal of this exemption, which seems to undermine all state and federal laws trying to safeguard the Great Lakes; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States and the Environmental Protection Agency to repeal 40 C.F.R. § 122.3(a), which provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act; and be it further

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

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,
Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Toy, Cassis, Basham, Bernero, Brater and Jelinek were named co-sponsors of the concurrent resolution.

Senators Birkholz, Kuipers and Allen offered the following resolution:

Senate Resolution No. 25.

A resolution to oppose the approval of any new tribal-state gaming compacts.

Whereas, In spite of the existence of tribal gaming facilities in several areas of our state, the process of negotiating, approving, and implementing tribal-state gaming compacts remains embroiled in controversy. There are many legal questions that are still unanswered, including new questions involving land claims of a Michigan tribe; and

Whereas, Actions in the final hours of the Ninety-first Legislature with regard to a compact for the Gun Lake Band of Pottawatomi Indians in Allegan County did little but raise additional concerns. These concerns include determining the rights of local communities; and

Whereas, Neither the executive nor the legislative branches of the federal government has yet clearly defined how to resolve disputes between states and Indian tribes over gaming compacts; and

Whereas, The United States Supreme Court's decision in *Seminole Tribe of Florida v Florida* upheld the Eleventh Amendment and made unenforceable the right of tribal governments to bring suits against states in federal court for failure to negotiate in good faith; and

Whereas, Nothing exists in the federal Indian Gaming Regulatory Act of 1988 that bestows the Secretary of the Interior with the authority to allow tribal operation of Class III gaming and bypass the compact-development process established by law; and

Whereas, A key point in the litigation that has taken place to date is the question of how the legislature approves tribal-state gaming compacts. In November 2002, the Michigan Court of Appeals ruled on the question of whether approval can be by resolution instead of by bill. However, given the earlier Circuit Court ruling and given the significant differences between the requirements for a bill and a resolution, appeal on this crucial question seems likely; and

Whereas, Approval of any new gaming compacts would be premature until all pending litigation is resolved; and

Whereas, Apart from the formidable legal questions of authority involved, the issue of determining the location and operation of any major gaming facility ought to include the significant input and approval of the local area community; now, therefore, be it

Resolved by the Senate, That we oppose the approval of any new tribal-state gaming compacts until all pending court cases have been decided; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the United States Secretary of the Interior.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,
Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Gaming and Casino Oversight.

The motion prevailed.

Senators Toy, Cassis, Brown, Garcia, Van Woerkom and Jelinek were named co-sponsors of the resolution.

Senators McManus, Patterson, Birkholz, Schauer, Kuipers, Brown, Van Woerkom, Gilbert, Allen, Leland, Olshove, Garcia, Goschka, Cherry and Sanborn offered the following resolution:

Senate Resolution No. 26.

A resolution to memorialize the Congress of the United States and the Environmental Protection Agency to repeal a certain regulation that provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act.

Whereas, One of the most frustrating issues facing the Great Lakes is the threat from nonindigenous species. Invaders like the zebra mussel, the round goby, and the ruffe damage the ecology of the Great Lakes and connecting waterways in many ways. The impact of exotic species on municipal water systems, fishing, and aquatic plant life exacts a terrible toll on the nation's most important freshwater resource; and

Whereas, Michigan has exercised consistent leadership in the effort to prevent the arrival of more nonnative species. Our state has put incentives in place in an effort to curb the release of untreated ballast water from the ships that traverse the lakes, which is the primary source of these foreign species. As a state that has suffered significantly

because of organisms released into the lakes through the discharge of ballast water, Michigan has repeatedly called for stronger steps to prevent this from happening; and

Whereas, The effort to halt the introduction and spread of nonindigenous species through ballast water discharges is frustrated by current federal regulations under the Clean Water Act. Although this key federal act requires permits through the National Pollution Discharge Elimination System for discharges, 40 C.F.R. § 122.3(a) provides that discharges from vessels that are incidental to normal operations are exempt from the permit requirement. Many groups are working for the repeal of this exemption, which seems to undermine all state and federal laws trying to safeguard the Great Lakes; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the Environmental Protection Agency to repeal 40 C.F.R. § 122.3(a), which provides for an exemption for ballast water discharges from permit requirements under the federal Clean Water Act; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom 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 Hammerstrom moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Toy, Cassis, Basham, Prusi, Bernero, Brater and Jelinek were named co-sponsors of the resolution.

Introduction and Referral of Bills

Senators Leland, Cropsey, Prusi, Bernero, Schauer, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 259, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 4706 and 8733 (MCL 600.4706 and 600.8733), section 4706 as added by 1988 PA 104 and section 8733 as added by 1994 PA 12, and by adding section 2974.

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

Senators Leland, Schauer, Bernero, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 260, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 1997 PA 187.

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

Senators Leland, Schauer, Bernero, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 261, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending section 130 (MCL 207.1130).

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

Senators Leland, Schauer, Bernero, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 262, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625n (MCL 257.625n), as amended by 1998 PA 349.

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

Senators Leland, Schauer, Bernero, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 263, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7523 (MCL 333.7523), as amended by 1990 PA 336.

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

Senators Leland, Schauer, Bernero, Emerson, Cherry, Jacobs, Clark-Coleman, Thomas, Patterson, Cassis, Garcia, Toy, Goschka, Clarke, Olshove and Brater introduced

Senate Bill No. 264, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159n and 535a (MCL 750.159n and 750.535a), section 159n as added by 1995 PA 187 and section 535a as amended by 1999 PA 185.

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

Senator Johnson introduced

Senate Bill No. 265, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 266, entitled

A bill to make appropriations for the department of military affairs and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced

Senate Bill No. 267, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 268, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2002 PA 521 and section 17b as amended by 2000 PA 297.

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

Senator Johnson introduced

Senate Bill No. 269, entitled

A bill to make appropriations for the state institutions of higher education for the fiscal year ending September 30, 2004; and to provide for the expenditures of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 270, entitled

A bill to make appropriations for the legislature, the judiciary, the executive, the department of attorney general, the department of state, the department of treasury, the department of management and budget, the department of civil service, the department of civil rights, and certain state purposes related thereto for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to declare the effect of this act.

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

Senators Cropsey, Barcia, George, Birkholz and McManus introduced

Senate Bill No. 271, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 20d. The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Johnson introduced

Senate Bill No. 272, entitled

A bill to make appropriations for community and junior colleges for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

Senator Thomas introduced

Senate Bill No. 273, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20101 (MCL 324.20101), as amended by 1996 PA 383, and by adding sections 20121 and 20122.

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

Senators Brater, Leland, Clark-Coleman, Patterson, Basham, Cherry, Bernero and Jacobs introduced

Senate Bill No. 274, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11514 and 11545 (MCL 324.11514 and 324.11545).

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

Senators Brown, Garcia, Leland, Goschka, Jelinek, Bishop, George, Toy and Cropsey introduced

Senate Bill No. 275, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 6 (MCL 125.2686), as amended by 2002 PA 478.

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senator Johnson introduced

Senate Bill No. 276, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced

Senate Bill No. 277, entitled

A bill to make appropriations for the state transportation department and certain state purposes from the funds designated in this act for the fiscal year ending September 30, 2004; and to provide for the expenditure of the appropriations.

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

Senator Johnson introduced

Senate Bill No. 278, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced

Senate Bill No. 279, entitled

A bill to make appropriations for the department of history, arts, and libraries and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Johnson introduced

Senate Bill No. 280, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to adult corrections for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by state agencies.

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

Senator Johnson introduced

Senate Bill No. 281, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2004; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Senator Johnson introduced

Senate Bill No. 282, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Senator Johnson introduced

Senate Bill No. 283, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced

Senate Bill No. 284, entitled

A bill to make appropriations for the department of community health for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

Senator Johnson introduced

Senate Bill No. 285, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Johnson introduced

Senate Bill No. 286, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

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

Senator Johnson introduced
Senate Bill No. 287, entitled

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

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

Senator Johnson introduced
Senate Bill No. 288, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by various agencies.

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

Committee Reports

The Committee on Transportation reported
Senate Bill No. 123, entitled

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

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.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka, Leland and Basham

Nays: None

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

The Committee on Transportation reported
House Concurrent Resolution No. 5.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government and to urge Congress to make the return of transportation money to the states a higher priority within existing federal revenues.

(For text of resolution, see Senate Journal No. 13, p. 142.)

With the recommendation that the concurrent resolution be adopted.

Judson S. Gilbert II
Chairperson

To Report Out:

Yeas: Senators Gilbert, Kuipers, Goschka and Basham

Nays: None

The concurrent resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation submitted the following:

Meeting held on Tuesday, March 4, 2003, at 1:05 p.m., Room 110, Farnum Building

Present: Senators Gilbert (C), Kuipers, Goschka, Leland and Basham

The Committee on Commerce and Labor reported
Senate Bill No. 218, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 506, 511, 611, and 798 (MCL 450.1506, 450.1511, 450.1611, and 450.1798), sections 506 and 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, and section 798 as added by 1988 PA 58.

With the recommendation that the bill pass.

Jason Allen
Chairperson

To Report Out:

Yeas: Senators Allen, Kuipers, McManus, Schauer and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, March 4, 2003, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Allen (C), Kuipers, McManus, Schauer and Olshove

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submitted the following:

Joint meeting held on Thursday, February 27, 2003, at 2:30 p.m., Wedgewood Christian Youth and Family Services, 3300 36th Street, Grand Rapids

Present: Senator Bill Hardiman (C)

Excused: Senators George and Scott

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, March 5, 2003, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Toy, Birkholz, Brown, Cassis, Olshove, Leland and Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Thursday, March 6, 2003, at 8:30 a.m., Room 210, Farnum Building

Present: Senators Hardiman (C), Hammerstrom, Sanborn, Jacobs and Clark-Coleman

Scheduled Meetings

Appropriations - Wednesday, March 12, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Agriculture - Thursdays, March 13, March 20, March 27, April 3, and April 24, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-5932)

General Government - Tuesdays, March 11 and March 18, 2:00 p.m.; March 25, April 1, and April 22, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2420)

History, Arts, and Libraries - Tuesdays, March 11 and March 18, 12:00 noon, Room 100, Farnum Building (373-0793)

Judiciary and Corrections - Tuesdays, March 18, March 25, April 1, and April 22, 3:00 p.m., Room 210, Farnum Building (373-3760)

State Police and Military Affairs - Tuesdays, March 18, March 25, April 1, and April 22, 1:00 p.m., Room 405, Capitol Building (373-5932)

Business Competitiveness Joint Select Committee (SCR 3) - Monday, March 10, 3:00 p.m., Novi Expo Center, Stillier Room, 43700 Expo Center Drive, Novi (373-7670)

Government Operations - Tuesday, March 11, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-0797)

Health Policy - Wednesday, March 12, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

Judiciary - Tuesday, March 11, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:26 p.m.

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, March 11, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

