

No. 60
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, September 19, 2001.

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—present
Emmons—present
Garcia—present
Gast—present
Goschka—present

Gougeon—present
Hammerstrom—present
Hart—present
Hoffman—present
Johnson—present
Koivisto—present
Leland—present
McCotter—present
McManus—present
Miller—present
Murphy—present
North—present

Peters—present
Schuette—present
Schwarz—present
Scott—present
Shugars—present
Sikkema—present
Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—excused
Young—present

Senator Dan L. DeGrow of the 27th District offered the following invocation:

Lord, we come before You today not as Republicans or Democrats, but as Americans thankful for the many blessings we have received. Now in this time of sorrow, we pray for the strength to help our nation through this time of pain.

Lord, we especially pray for those who lost loved ones during the tragedy last week. May You be with them in the difficult days to come. We pray for wisdom and courage for President Bush and all our leaders that they may make decisions that You would make.

Lord, we are not the first to face sorrow. Jeremiah spoke about his people when commanded to by the Lord, and he said, "May my eyes flow with tears day and night. May I never stop weeping, for my people are deeply wounded and are badly hurt. We looked for peace, but nothing good happened. We hoped for healing, but terror came instead."

Lord, we also hope for peace but receive terror. Now, Lord, we seek justice for what has been done. We beseech You to give us the strength, courage, and willpower to achieve justice that we may create a world where peace reigns.

All these things we gratefully and humbly ask in Thy name. Amen.

A moment of silence was observed in memory of the victims, survivors, and family members who suffered from the terrorist attacks in New York City and Washington, D.C.

Mrs. Maryann Goschka rendered "God Bless America."

Senators Goschka and Scott led the Senate in reciting the "Pledge of Allegiance."

Motions and Communications

Senator Emmons moved that Senator Bullard be excused from today's session.
The motion prevailed.

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

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

The following communications were received:
Department of State

Administrative Rules Notices of Filing

June 28, 2001

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 3:15 p.m. this date, administrative rule (01-06-09) for the Department of Consumer and Industry Services, Director's Office, entitled "*Bloodborne Infectious Diseases Standard*," effective October 18, 2001.

July 9, 2001

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 4:05 p.m. this date, administrative rule (01-07-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Chapter IV General Workplace Requirements; Part 1 Illumination*," effective 7 days hereafter.

July 16, 2001

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 2:05 p.m. this date, administrative rule (01-07-02) for the Department of Consumer and Industry Services, Public Service Commission, entitled "*MPSC - Uncollectibles Allowance Recovery Fund*," effective 7 days hereafter.

July 16, 2001

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 2:08 p.m. this date, administrative rule (01-07-03) for the Department of Consumer and Industry Services, Public Service Commission, entitled "*MPSC - Consumer Standards and Billing Practices for Gas Residential Service*," effective 7 days hereafter.

July 23, 2001

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 3:20 p.m. this date, administrative rule (01-07-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part IV - Medical Services and First Aid - General Industry*," effective 7 days hereafter.

July 23, 2001

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 3:25 p.m. this date, administrative rule (01-07-05) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part 22. Signals, Signs, Tags, and Barricades*," effective 7 days hereafter.

August 1, 2001

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 12:20 p.m. this date, administrative rule (01-08-01E) for the Department of Consumer and Industry Services, Bureau of Commercial Services, entitled "*Preservation of Contract Rights*," effective upon filing with the Secretary of State.

August 6, 2001

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 1:12 p.m. this date, administrative rule (01-08-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Mortuary Science Licensure Education Requirements*," effective January 1, 2002.

August 14, 2001

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 1:40 p.m. this date, administrative rule (01-08-03) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 2. Air Use Approval*," effective 7 days hereafter.

August 20, 2001

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 3:55 p.m. this date, administrative rule (01-08-04) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 9. Emission Limitations and Prohibitions - Miscellaneous*," effective 7 days hereafter.

August 20, 2001

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 4:00 p.m. this date, administrative rule (01-08-05) for the Department of Treasury, Bureau of State Lottery, entitled "*Lottery Rules*," effective 7 days hereafter.

August 23, 2001

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 2:40 p.m. this date, administrative rule (01-08-06) for the Department of Environmental Quality, Waste Management Division, entitled "*Water Resources Protection - Part 5. Spillage of Polluting Materials*," effective 7 days hereafter.

September 4, 2001

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 1:35 p.m. this date, administrative rule (01-09-01) for the Department of Environmental Quality, Air Quality Division, entitled "*Part 9. Emission Limitations and Prohibitions - Miscellaneous*," 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:
State Budget Office

July 12, 2001

The State Treasurer has informed me that 2002 revenues will be insufficient to support the enacted State School Aid Act for the upcoming fiscal year. Pursuant to section 11(3), 1979 Public Act 94, I am hereby notifying you that payments will be pro-rated on an equal percentage basis beginning October 1, 2001 to reflect available revenues. This pro-rated reduction will equal an estimated 5% in fiscal year 2002 and will be applied to all spending categories except those specifically protected in law.

It is with great reluctance that I exercise this statutory authority. However, it is critically important to local school districts that they know how much state support they will receive before the new school year commences. Declining revenues forecasted in the May Consensus Revenue Conference, and a lack of Legislative action to correct this shortfall, necessitates taking this prudent fiscal action.

Sincerely,
Mary A. Lannoye
State Budget Director

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

July 16, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of Sanilac County Community Mental Health Authority, an Agency Under Contract with the Department of Community Health, July 2001.

July 25, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Revenue Administrative Services Division, Department of Treasury, July 2001.

August 13, 2001

Enclosed is a copy of the financial statements, together with the Auditor's Report, for the Bureau of State Lottery for the six-month period ending March 31, 2001.

If you have any questions regarding this report, please call me; Michael J. Mayhew, C.P.A., Deputy Auditor General for Audits; or Michael R. Becker, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

August 20, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Office of Purchasing, Department of Management and Budget, August 2001.

August 22, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Data Collection and Distribution System, Michigan Administrative Information Network, Department of Management and Budget, August 2001.

August 24, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance and Financial Audit of the Bureau of Construction Codes, Department of Consumer and Industry Services, October 1, 1998, through September 30, 2000.

August 28, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Motor Carrier Division, Michigan Department of State Police, August 2001.

August 30, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Economic Development Fund, Michigan Department of Transportation, August 2001.

August 30, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Use of State Grant Funds by Veterans Service Organizations, Veterans Affairs Directorate, Department of Military and Veterans Affairs, August 2001.

August 31, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Financial Audit Including the Provision of the Single Audit Act of the Family Independence Agency, October 1, 1998, through September 30, 2000.

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 Consumer and Industry Services

July 16, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Green Oak Center	2001C0208028	CS470201159

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

July 19, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing copies of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Green Oak Center	SIR2001C0208031	CS470201159
Interim Licensing Inspection	Green Oak Center		CS470201159

These reports were performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

August 22, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Green Oak Center	SIR2001C0208032	CS470201159

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

August 30, 2001

Pursuant to Section 314 of P.A. 293 of 2000, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Olympic Center	SIR2001C0201023	CS470201339

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our web site at the following address: http://www.cis.state.mi.us/fast/leg_rep.htm.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
John R. Suckow, C.P.A.
Director, Finance and Administrative Services

The communications were referred to the Secretary for record.

The following communication was received:
Department of Corrections

July 23, 2001

Michigan Compiled Laws 791.220g, requires the Department of Corrections to report to the Senate and House committees responsible for legislation concerning corrections and to the Clerk of the House of Representatives and the Secretary of the Senate, on the operation of the Michigan Youth Correctional Facility. Attached is a copy of that report as required by statute.

If you have any questions regarding this report, or request additional information, please feel free to contact me.

Heidi Washington
Legislative Liaison

The communication was referred to the Secretary for record.

The following communication was received:
Department of Consumer and Industry Services

August 20, 2001

Pursuant to Public Act 8 of 1982 and Public Act 318 of 1986, I am submitting a consolidated final report on the state of competition in the workers' compensation insurance market and the commercial liability insurance market. The analyses and economic tests of data performed since publication of the preliminary reports on February 28, 2001 indicate that there have been no substantive changes in the results of such analyses and economic tests. Accordingly, I am adopting the above-referenced preliminary reports as the final reports on the state of competition in the workers' compensation and commercial liability insurance markets.

I am also submitting my certification as to the presence of workable competition in the commercial liability insurance market and the workers' compensation insurance market.

Frank M. Fitzgerald
Commissioner of the Office of Financial
and Insurance Services

The communication was referred to the Secretary for record.

The following communication was received:
Emergency Telephone Service Committee

August 30, 2001

In compliance with P.A. 78 of 1999, we are pleased to provide this second annual report of the commercial mobile radio service (CMRS) wireless E9-1-1 surcharge conducted by the Emergency Telephone Service Committee (ETSC).

Since passage of P.A. 78, 79, 80, and 81 in June of 1999, the members of the ETSC have been working to build the foundation for implementing wireless enhanced 9-1-1 service in Michigan. Much has been accomplished since the last report. More than \$13 million in wireless funds has been distributed to counties and 21 counties are now receiving Phase 1 wireless service from one or more wireless suppliers. A cost recovery mechanism was put in place for wireless suppliers to request reimbursement for their wireless E9-1-1 implementation costs. A methodology has been developed to distribute the training funds to 1,814 eligible emergency dispatch personnel around the state.

While much progress has been made, much work remains. The ETSC will continue to work closely with the public safety community and the wireless industry to bring this critical service to the citizens of Michigan as efficiently as possible.

Sincerely,
 Stephen D. Madden, Lt. Colonel
 Chair, Emergency Telephone Service
 Committee and Deputy Director,
 Michigan State Police

The communication was referred to the Secretary for record.

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

September 5, 2001

Please be advised I have appointed members to the newly created Great Lakes Conservation Task Force. Senator Sikkema will serve as chairman of the committee. Senator Bev Hammerstrom will serve as vice chairwoman. Members will include: Senator Harry Gast, Senator Walt North, Senator Shirley Johnson, Senator Gary Peters, Senator Ken DeBeaussaert, and Senator Dianne Byrum.

If you have any further questions, please do not hesitate to contact my office at 373-7708.

Sincerely,
 Dan L. DeGrow
 Senate Majority Leader

The communication was referred to the Secretary for the record.

The following communication was received and read:
 Department of Community Health

September 7, 2001

In accordance with Public Act 336 of 1991 (Section 333.7524a), the Michigan Department of Community Health is submitting the attached *Asset Forfeiture Report* for FY 2000. This report presents an analysis of asset forfeitures conducted in Michigan during that fiscal year.

For the first time, this report has been added to the Department's Web site. Therefore, additional copies are readily accessible by simply visiting the MDCH web address at <http://www.mdch.state.mi.us/> and by clicking on Drug Control Policy, then *Annual Reports*.

If you have any questions, please feel free to contact me at my office at 335-0267.

Cordially,
 James K. Haveman, Jr.

The communication was referred to the Secretary for record.

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending June 30, 2001:

Senator Joanne Emmons	June 29-30	Attend NCSL Task Force Meeting Morristown, NJ	\$ 683.26
Senator Beverly Hammerstrom	June 7-10	Attend NCSL Health Chairs Project Meeting Washington, DC	\$ 794.04

Senator Martha Scott	May 31-June 4	Attend National Organization of Black Elected Legislative Women Conference New Orleans, LA	\$ 423.80
	June 22-24	Attend National Black Caucus of State Legislators Fifth Annual Gala and Awards Ceremony Washington, DC	\$ 544.68
Senator Leon Stille	April 5-7	Attend Education Commission of the States Spring Meeting Portsmouth, NH	\$ 718.47

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, July 12:
House Bill Nos. 4791 4868 4872 4873

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

Enrolled Senate Bill No. 230 at 3:18 p.m.
Enrolled Senate Bill No. 236 at 3:20 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 16, for his approval the following bill:

Enrolled Senate Bill No. 232 at 12:31 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 17, for his approval the following bills:

Enrolled Senate Bill No. 256 at 3:10 p.m.
Enrolled Senate Bill No. 351 at 3:12 p.m.
Enrolled Senate Bill No. 389 at 3:14 p.m.
Enrolled Senate Bill No. 393 at 3:16 p.m.
Enrolled Senate Bill No. 394 at 3:18 p.m.

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

Enrolled Senate Bill No. 237 at 3:18 p.m.
Enrolled Senate Bill No. 238 at 3:20 p.m.
Enrolled Senate Bill No. 206 at 3:22 p.m.
Enrolled Senate Bill No. 216 at 3:24 p.m.

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

Enrolled Senate Bill No. 373 at 3:50 p.m.
Enrolled Senate Bill No. 374 at 3:52 p.m.
Enrolled Senate Bill No. 396 at 3:54 p.m.
Enrolled Senate Bill No. 446 at 3:56 p.m.
Enrolled Senate Bill No. 463 at 3:58 p.m.
Enrolled Senate Bill No. 464 at 4:00 p.m.
Enrolled Senate Bill No. 547 at 4:02 p.m.

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

Enrolled Senate Bill No. 283 at 1:00 p.m.
Enrolled Senate Bill No. 235 at 1:02 p.m.
Enrolled Senate Bill No. 239 at 1:04 p.m.
Enrolled Senate Bill No. 317 at 1:06 p.m.

Enrolled Senate Bill No. 318 at 1:08 p.m.
Enrolled Senate Bill No. 319 at 1:10 p.m.
Enrolled Senate Bill No. 320 at 1:12 p.m.
Enrolled Senate Bill No. 321 at 1:14 p.m.
Enrolled Senate Bill No. 322 at 1:16 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 24, for his approval the following bills:

Enrolled Senate Bill No. 234 at 3:11 p.m.
Enrolled Senate Bill No. 152 at 3:13 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, September 11, for his approval the following bills:

Enrolled Senate Bill No. 545 at 4:38 p.m.
Enrolled Senate Bill No. 546 at 4:40 p.m.

The Secretary announced the printing and placement in the members' files on Thursday, July 12, of:

Senate Bill Nos.	575	576	577	578	579	580	581	582	583	584	585	586	587	588
	589	590	591	592	593	594	595	596	597	598	599	600	601	602
	603	604	605	606	607	608	609	610	611	612	613	614	615	
House Bill Nos.	5019	5020	5021	5022	5023	5024	5025	5026	5027	5028	5029	5030		

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

Senate Bill Nos. 616 617 618 619 620

The Secretary announced the printing and placement in the members' files on Monday, July 16, of:

House Bill Nos. 5031 5032 5033 5034 5035 5036 5037 5038 5039 5040 5041 5042 5043 5044

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 101.

A resolution to express Michigan's strong support for the actions of the President and the federal, state, and local governments responding to the terrorist attacks of September 11, 2001.

Whereas, The death, destruction, and chaos inflicted on this country on September 11, 2001, by terrorists have profoundly and personally touched every American. The loss of thousands of innocent civilians presents a horror beyond description, and the nature of this evil deed has shaken the very foundation of our sense of personal security. From the smoke and twisted steel of three of the nation's landmark buildings and a charred crater in a field in southern Pennsylvania, however, a unity has arisen that will not be denied; and

Whereas, In the days since the attack, citizens of Michigan have joined with our fellow Americans around the country and most of the world in praying for the injured and dead and their families. We have marveled at the courage, stamina, and will of the police officers, fire fighters, and rescue personnel who are showing all of us the highest standards of citizenship and selflessness. The response has also included an outpouring of support and commitment unlike anything seen in years. Michigan's citizens have donated blood, collected money and goods, and offered equipment and labor to help in any way possible; and

Whereas, In the days to come, strong support from all corners will be essential in determining how successful we are in responding to the challenge of helping people rebuild their lives and getting our nation back on its feet. The people of Michigan stand ready and anxious to do our part; now, therefore, be it

Resolved by the Senate, That we express Michigan's strong support for the actions of the President and the federal, state, and local governments responding to the the terrorist attacks of September 11, 2001. We pledge our assistance and resources to assist in any way we can. We also call on the people of Michigan to demonstrate their patriotism by respecting the rights and security of all people; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States and the governors of Pennsylvania and New York.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The resolution was adopted.

Senator Emmons moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the following bills, now on the order of Third Reading of Bills, be referred to the Committee on Economic Development, International Trade and Regulatory Affairs:

House Bill No. 4708, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78o (MCL 211.78o), as added by 1999 PA 123.

House Bill No. 4712, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 124 (MCL 211.124); and to repeal acts and parts of acts.

The motion prevailed.

Senator Emmons moved that the following bills, now on the order of General Orders, be referred to the Committee on Economic Development, International Trade and Regulatory Affairs:

House Bill No. 4710, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78g (MCL 211.78g), as added by 1999 PA 123.

House Bill No. 4714, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78k (MCL 211.78k), as added by 1999 PA 123.

The motion prevailed.

Messages from the Governor

The following messages from the Governor were received:

Date: July 10, 2001

Time: 3:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 360 (Public Act No. 37), being

An act to amend 1909 PA 279, entitled "An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates;" (MCL 117.1 to 117.38) by adding section 4o.

(Filed with the Secretary of State on July 11, 2001, at 10:30 a.m.)

Date: July 10, 2001

Time: 3:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 361 (Public Act No. 38), being

An act to amend 1976 PA 267, entitled "An act to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation

of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 15.262).

(Filed with the Secretary of State on July 11, 2001, at 10:32 a.m.)

Date: July 11, 2001

Time: 12:05 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 491 (Public Act No. 39), being

An act to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4 (MCL 205.94), as amended by 2000 PA 200.

(Filed with the Secretary of State on July 11, 2001, at 10:34 a.m.)

Date: July 11, 2001

Time: 12:07 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 492 (Public Act No. 40), being

An act to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

(Filed with the Secretary of State on July 11, 2001, at 10:36 a.m.)

Date: July 20, 2001

Time: 12:56 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 256 (Public Act No. 46), being

An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 1027 (MCL 436.2027).

(Filed with the Secretary of State on July 23, 2001, at 9:46 a.m.)

Date: July 20, 2001

Time: 1:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 396 (Public Act No. 47), being

An act to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment

of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 1999 PA 47.

(Filed with the Secretary of State on July 23, 2001, at 9:48 a.m.)

Date: July 20, 2001

Time: 1:02 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 446 (Public Act No. 48), being

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

(Filed with the Secretary of State on July 23, 2001, at 9:50 a.m.)

Date: July 20, 2001

Time: 4:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 237 (Public Act No. 54), being

An act to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(Filed with the Secretary of State on July 23, 2001, at 3:51 p.m.)

Date: July 20, 2001

Time: 5:15 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 236 (Public Act No. 55), being

An act to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; 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.

(Filed with the Secretary of State on July 23, 2001, at 3:53 p.m.)

Date: July 23, 2001

Time: 12:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 206 (Public Act No. 57), being

An act to amend 1972 PA 284, entitled "An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this

act; and to repeal certain acts and parts of acts," by amending sections 105, 106, 122, 123, 131, 133, 141, 143, 151, 338, 342a, 344, 404, 405, 407, 413, 488, 489, 521, 525, 563, 564b, 703a, 753, 754, 901, and 1060 (MCL 450.1105, 450.1106, 450.1122, 450.1123, 450.1131, 450.1133, 450.1141, 450.1143, 450.1151, 450.1338, 450.1342a, 450.1344, 450.1404, 450.1405, 450.1407, 450.1413, 450.1488, 450.1489, 450.1521, 450.1525, 450.1563, 450.1564b, 450.1703a, 450.1753, 450.1754, 450.1901, and 450.2060), sections 106, 122, 133, 141, 405, 521, 525, and 563 as amended and sections 342a and 754 as added by 1989 PA 121, section 123 as amended by 1993 PA 357, sections 131, 338, 407, and 1060 as amended by 1993 PA 91, and sections 151, 344, 404, 489, 564b, 703a, and 753 as amended and section 488 as added by 1997 PA 118, and by adding section 406a.

(Filed with the Secretary of State on July 23, 2001, at 3:57 p.m.)

Date: July 23, 2001

Time: 12:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 216 (Public Act No. 58), being

An act to amend 1962 PA 192, entitled "An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation," by amending section 13 (MCL 450.233), as amended by 1990 PA 166.

(Filed with the Secretary of State on July 23, 2001, at 3:59 p.m.)

Date: July 23, 2001

Time: 6:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 232 (Public Act No. 80), being

An act 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, 2002; 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 repeal acts and parts of acts.

(Filed with the Secretary of State on July 25, 2001, at 4:20 p.m.)

Date: July 25, 2001

Time: 10:12 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 234 (Public Act No. 83), being

An act to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2002; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(Filed with the Secretary of State on July 25, 2001, at 4:26 p.m.)

Date: July 26, 2001

Time: 1:05 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 394 (Public Act No. 84), being

An act to amend 1974 PA 150, entitled "An act to provide for the acceptance, care, and discharge of youths committed as public wards; to prescribe the liability for the cost of services for public wards; to prescribe procedures

for the return of public wards who absent themselves without permission; to provide a penalty for the violation of this act; and to repeal acts and parts of acts," by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

(Filed with the Secretary of State on July 26, 2001, at 3:10 p.m.)

Date: July 26, 2001

Time: 1:45 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 389 (Public Act No. 87), being

An act to amend 1990 PA 250, entitled "An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies," by amending section 6 (MCL 28.176), as amended by 2000 PA 30.

(Filed with the Secretary of State on July 26, 2001, at 3:16 p.m.)

Date: July 26, 2001

Time: 1:55 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 393 (Public Act No. 90), being

An act to amend 1988 PA 73, entitled "An act to provide for certain responsibilities and duties of the family independence agency and county juvenile agencies and certain facilities, institutions, and agencies; and to provide for the preparation of certain reports pertaining to certain juveniles," by amending section 5a (MCL 803.225a), as amended by 1998 PA 521.

(Filed with the Secretary of State on July 26, 2001, at 3:22 p.m.)

Date: July 27, 2001

Time: 2:24 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 547 (Public Act No. 94), being

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 78g, 78k, 78o, and 124 (MCL 211.78g, 211.78k, 211.78o, and 211.124), sections 78g, 78k, and 78o as added by 1999 PA 123; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:19 a.m.)

Date: July 27, 2001

Time: 2:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 373 (Public Act No. 103), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a

violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 303, 319, 320a, 601b, and 732 (MCL 257.303, 257.319, 257.320a, 257.601b, and 257.732), sections 303, 319, 320a, and 732 as amended by 2000 PA 460 and section 601b as added by 1996 PA 320, and by adding section 601c.

(Filed with the Secretary of State on July 30, 2001, at 10:37 a.m.)

Date: July 27, 2001

Time: 2:46 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 374 (Public Act No. 104), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

(Filed with the Secretary of State on July 30, 2001, at 10:39 a.m.)

Date: July 27, 2001

Time: 2:48 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 464 (Public Act No. 105), being

An act to amend 1925 PA 285, entitled “An act to provide for the organization, operation, and supervision of credit unions; to provide for the conversion of a state credit union into a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States and for the conversion of a federal credit union or a credit union organized and supervised under the laws of any other state or territory of the United States into a state credit union; and to provide for the merger of credit unions organized and supervised under the laws of this state, credit unions organized and supervised under the laws of any other state or territory of the United States, and federal credit unions,” by amending the title and sections 1a, 6, 6c, 25, and 26 (MCL 490.1a, 490.6, 490.6c, 490.25, and 490.26), the title as amended and section 6c as added by 1986 PA 278, section 1a as amended by 1995 PA 163, section 6 as amended by 1993 PA 246, and sections 25 and 26 as amended by 1992 PA 246, and by adding sections 25a, 25b, and 25c.

(Filed with the Secretary of State on July 30, 2001, at 10:41 a.m.)

Date: July 27, 2001

Time: 2:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 317 (Public Act No. 106), being

An act to amend 1982 PA 295, entitled “An act to provide for and to supplement statutes that provide for the enforcement of support, health care, and parenting time orders with respect to divorce, separate maintenance, paternity, child custody, and spouse support; to prescribe certain provisions of those orders; to prescribe the powers and duties

of the circuit court and friend of the court; to prescribe certain duties of certain employers and other sources of income; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending the title and sections 3, 14, 26, 26a, 26b, and 27 (MCL 552.603, 552.614, 552.626, 552.626a, 552.626b, and 552.627), the title as amended by 1996 PA 25, sections 3, 14, 26, 26a, and 26b as amended by 1998 PA 334, and section 27 as amended by 1985 PA 210, and by adding sections 5, 5a, and 5b.

(Filed with the Secretary of State on July 30, 2001, at 10:43 a.m.)

Date: July 27, 2001

Time: 2:52 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 318 (Public Act No. 107), being

An act to amend 1846 RS 84, entitled "Of divorce," by amending sections 1, 15, 16, 17, 30, 35, and 36 (MCL 552.1, 552.15, 552.16, 552.17, 552.30, 552.35, and 552.36), sections 15, 16, and 17 as amended by 1996 PA 9; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:45 a.m.)

Date: July 27, 2001

Time: 3:40 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 319 (Public Act No. 108), being

An act to amend 1970 PA 91, entitled "An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts," by amending section 7 (MCL 722.27), as amended by 1999 PA 156; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:47 a.m.)

Date: July 27, 2001

Time: 3:42 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 320 (Public Act No. 109), being

An act bill to amend 1956 PA 205, entitled "An act to confer upon circuit courts jurisdiction over proceedings to compel and provide support of children born out of wedlock; to prescribe the procedure for determination of such liability; to authorize agreements providing for furnishing of such support and to provide for the enforcement thereof; and to prescribe penalties for the violation of certain provisions of this act," by amending sections 7, 10, and 11 (MCL 722.717, 722.720, and 722.721), section 7 as amended by 1996 PA 308, section 10 as amended by 1996 PA 18, and section 11 as amended by 1990 PA 244; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:49 a.m.)

Date: July 27, 2001

Time: 3:44 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 321 (Public Act No. 110), being

An act to amend 1968 PA 293, entitled "An act to establish the status of minors; to define the rights and duties of parents; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; and to establish the conditions for emancipation of minors," by amending section 3 (MCL 722.3), as amended by 1996 PA 17; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:51 a.m.)

Date: July 27, 2001
Time: 3:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 322 (Public Act No. 111), being

An act to amend 1966 PA 138, entitled “An act to confer jurisdiction upon the circuit courts to order and enforce the payment of money for the support, in certain cases, of parents having physical custody of minor children or children who have reached the age of majority and of minor children or children who have reached the age of majority by noncustodial parents; to provide for the termination of the effectiveness of the orders; and to provide for the payment of fees and assessment of costs in those cases,” by amending section 2 (MCL 552.452), as amended by 1999 PA 158; and to repeal acts and parts of acts.

(Filed with the Secretary of State on July 30, 2001, at 10:53 a.m.)

Date: July 27, 2001
Time: 4:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 463 (Public Act No. 112), being

An act to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 353c (MCL 18.1353c), as added by 1995 PA 195.

(Filed with the Secretary of State on July 30, 2001, at 10:55 a.m.)

Date: July 30, 2001
Time: 4:50 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 351 (Public Act No. 113), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 2411 and 2412 (MCL 339.2411 and 339.2412), section 2411 as amended by 1991 PA 166 and section 2412 as amended by 1980 PA 496.

(Filed with the Secretary of State on July 31, 2001, at 9:40 a.m.)

Respectfully,
John Engler
Governor

Date: August 6, 2001
Time: 11:45 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 152 (Public Act No. 114), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 3101 (MCL 324.3101), as amended by 1997 PA 29, and by adding section 3103a.

(Filed with the Secretary of State on August 6, 2001, at 2:44 p.m.)

Respectfully,
Richard E. Posthumus
Acting and Lieutenant Governor

Date: September 11, 2001

Time: 4:54 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 546 (Public Act No. 115), being

An act to amend 1964 PA 282, entitled "An act to divide the state into 19 congressional districts; to provide for the nomination of candidates for representative in congress to be elected at the 1964 November election; and to repeal certain acts and parts of acts," by amending the title and section 1 (MCL 3.51) and by adding sections 3, 4, and 5.

(Filed with the Secretary of State on September 11, 2001, at 5:15 p.m.)

Date: September 11, 2001

Time: 4:58 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 545 (Public Act No. 117), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 302 (MCL 600.302), as amended by 1993 PA 190, and by adding section 302a.

(Filed with the Secretary of State on September 11, 2001, at 5:19 p.m.)

Respectfully,
John Engler
Governor

The following messages from the Governor were received:

July 20, 2001

Today I have signed Enrolled Senate Bill 237, the Fiscal Year 2002 appropriations bill for the Department of Military and Veterans Affairs. My action today provides over \$102.0 million to support the operations of the Department of Military and Veterans Affairs, including the operation of over 1,000 nursing care beds at veterans' homes in Grand Rapids and Marquette. In addition, this bill:

- Contains \$2.0 million to continue tuition assistance for National Guard members enrolled in any course of instruction offered at Michigan colleges and universities.
- Maintains state funding support for eleven veterans' service organizations in the amount of \$3.9 million.
- Provides an additional \$206,600 for the Michigan Youth Challenge Academy which, through a military-based structure, will continue to provide training in basic life and job acquisition skills to high school drop-outs between the ages of 16 and 18.
- Provides an additional \$198,000 in federal funds for the Starbase program which provides students with hands-on experience in math and science application.
- Provides additional funds for anticipated increases in military retirement and for increased survivor benefits for National Guard spouses.

Section 303 requires the department to obtain a new appraisal to determine the fair market value of the Oak Park armory property, for the purpose of offering the property to the City of Oak Park. This language attempts to amend, by reference, the requirements for sale of property under the Michigan Military Act and is, therefore, unconstitutional. I

have directed the Department to follow the provisions of the Michigan Military Act in its efforts to dispose of the armory.

This bill supports the operations of the Department of Military and Veterans Affairs for Fiscal Year 2002. I commend the Legislature for its prompt action and cooperation in completing this budget.

July 20, 2001

Today I have signed Enrolled Senate Bill 236, which provides over \$245 million to support the operations of the Judicial branch of government during Fiscal Year 2002. My action today:

- Provides \$73.8 million for Trial Court operations, including reimbursement to all 83 counties.
- Provides \$2.9 million for a new Judicial Technology Improvement Fund to establish a statewide telecommunications network and judicial information-sharing system.
- Provides \$500,000 in additional support for the Drug Court program, bringing total funding to \$1.7 million. These resources provide for early, continuous, and intense judicially supervised programs combined with mandatory drug testing to reduce criminal behavior and substance abuse.
- Eliminates hold harmless reimbursement funding of \$4.0 million consistent with the provisions of PA 236 of 1961, the Revised Judicature Act, which requires an end of the five-year statutory commitment on September 30, 2001.

I wish to express my appreciation to Chief Justice Corrigan for her strong leadership and support in working with both the Executive and Legislative branches of government to finalize the Fiscal Year 2002 budget. I commend the Legislature, as well, for its work on this budget.

July 23, 2001

Today I have signed Enrolled Senate Bill 232, the Fiscal Year 2002 appropriation for the Department of Career Development and the Michigan Strategic Fund. My action today provides more than \$529 million for the Department of Career Development and more than \$178 million for the Michigan Strategic Fund.

The Legislature is to be commended for recognizing the important work of these agencies. The funds you have appropriated will enable the state to continue its highly effective career and economic development programs.

These programs have created many employment opportunities, especially for people with a variety of special needs. Funding in this budget for the Work First program will assist low-income families in obtaining and maintaining employment. Funding for rehabilitation services is essential for integrating disabled persons into the workforce. Providing assistance to employers for employee training opportunities will help Michigan to build a highly skilled and diverse workforce that is able to adapt quickly to industry changes. I am extremely pleased with the Legislature's continued support for these programs.

I commend the members of the Michigan Legislature for your timely action on this bill.

July 25, 2001

Today I have signed Enrolled Senate Bill 234, the Fiscal Year 2002 General Government budget bill, which provides funding for the departments of Attorney General, Civil Rights, Civil Service, Management and Budget, State, Treasury, the Executive Office, Legislature, and the Library of Michigan. This bill:

- Provides \$1.6 billion in state revenue sharing payments to local units of government. This is an increase of 1.5 percent over current year payments with most communities receiving increases in excess of 2 percent over Fiscal Year 2001.
- Appropriates an additional \$500,000 for the Department of Treasury to complete its improved customer service center.
- Provides \$850,000 for the Department of State for operational support of the Uniform Commercial Code, which was enacted into law on December 27, 2000 as PA 348 of 2000.
- Provides \$2 million for the support of the Michigan Education Savings Plan to make post-secondary education more affordable for families.

This action completes the Fiscal Year 2002 General Government appropriation and assures continuation of essential state services. I commend the Legislature for its timely work on this important bill.

July 30, 2001

Today I have signed Enrolled Senate Bill 351 which establishes new procedures for handling complaints against residential builders and alteration contractors involving workmanship issues.

I am supportive of the new alternative dispute resolution procedure contained in Enrolled Senate Bill 351 and believe

that mediation can be used successfully as a prompt, effective way of resolving disputes between builders and homeowners. Indeed, the State of Michigan has offered free mediation services in disputes between builders and homeowners for ten years. I encourage those parties using the alternative dispute resolution procedure in this bill to take advantage of this free mediation service offered by the Bureau of Hearings in the Department of Consumer and Industry Services.

While I am signing this bill, I am concerned about the implementation date. The bill was given immediate effect and this may effect some residential building contracts currently in effect. Accordingly, I have asked that emergency rules be promulgated to ensure the viability of existing contracts and protect the welfare of the contract parties.

Sincerely,
John Engler
Governor

The following messages from the Governor were received and read:

July 12, 2001

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

Michigan Strategic Fund Board of Directors

Dr. Douglas B. Roberts, State Treasurer, Treasury Building, 1st Floor, Lansing, Michigan 48823, county of Ingham, as a member representing the State Treasurer, succeeding Mr. Mark A. Murray of Lansing, who has resigned, for a term expiring at the pleasure of the Governor.

July 19, 2001

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

Ski Area Safety Board

Mr. Arthur L. Tebo, P.O. Box 519, 1580 North Shore, Walloon Lake, Michigan 49796, county of Charlevoix, as a member representing Lower Peninsula ski area managers, succeeding himself, for a term expiring on June 8, 2005.

Mr. James D. MacInnes, 4751 Arbutus Lane, Beulah, Michigan 49617, county of Benzie, as a member representing Lower Peninsula ski area managers, succeeding himself, for a term expiring on June 8, 2005.

July 20, 2001

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

Civil Rights Commission

Mr. Gary H. Torgow, CEO, Sterling Group, 220 West Congress, Detroit, Michigan 48226, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on December 31, 2004.

Ms. Valerie Pierre Simmons, 1209 Dunham SE, Grand Rapids, Michigan 49506, county of Kent, as a member representing the general public, succeeding herself, for a term expiring on December 31, 2004.

Dr. Tarun K. Sharma, 1206 Balfour, Grosse Pointe, Michigan 48230, county of Wayne, as a member representing the general public, succeeding the Honorable Richard J. Garcia of East Lansing, who has resigned, for a term expiring on December 31, 2001.

July 20, 2001

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

Michigan Historical Commission

Mr. Thomas R. Truscott, 3333 Moores River Drive, Apt. 206, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding Mr. Mark A. Murray of East Grand Rapids, who has resigned, for a term expiring on May 21, 2005.

July 20, 2001

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

Military Appeals Tribunal

Mr. Michael Victor Marston, 51 Radnor Circle, Grosse Pointe Farms, Michigan 48236-3812, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on April 16, 2004.

Mr. Ralph Owen Wilbur, 2173 Jeanne Drive, Hastings, Michigan 49058, county of Barry, as a member representing the general public, succeeding himself, for a term expiring on April 16, 2004.

Mr. Stephen F. Pereira, Route 2, Box 2000, 1726 Cardinal Ridge, West Bloomfield, Michigan 48324, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on April 16, 2003.

Mr. Charles Alexander Palmer, 15043 Classic, Bath, Michigan 48808, county of Clinton, as a member representing the general public, succeeding the Honorable Ulysses W. Boykin of Detroit, who has resigned, for a term expiring on April 16, 2003.

August 2, 2001

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

Michigan State Hospital Finance Authority

Mr. Asad M. Malik, 3917 Beechcrest, Rochester Hills, Michigan 48309, county of Oakland, as a member representing the general public, succeeding Mr. Edward B. McRee of Eaton Rapids, whose term has expired, for a term expiring on March 1, 2005.

Mr. Manny J. Lentine, 5814 Textile, Saline, Michigan 48176, county of Washtenaw, as a member representing the general public, succeeding Mr. James T. Cresswell of Harrison Township, whose term has expired, for a term expiring on March 1, 2005.

August 3, 2001

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

Director of Department of History, Arts, and Libraries

Dr. William M. Anderson, 6348 West Cambridge Drive, Ludington, Michigan 49431, county of Mason, for a term expiring at the pleasure of the Governor.

August 3, 2001

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

Director of Department of Management and Budget

Mr. Duane E. Berger, 2696 Lake Lansing Road, East Lansing, Michigan 48823, county of Ingham, succeeding Ms. Janet E. Phipps of East Lansing, who has resigned, for a term expiring at the pleasure of the Governor.

August 7, 2001

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

Michigan Board of Dentistry

Dr. Irene Lazarchuk, 27453 Van Dyke, Warren, Michigan 48093, county of Macomb, as a member representing licensed dentists, succeeding Dr. Joseph B. Harris of Detroit, whose term has expired, for a term expiring on June 30, 2005.

Ms. Mary Frances Byers-Johnston, 3640 Muirfield Drive, Lansing, Michigan 48911, county of Ingham, as a member representing dental hygienists, succeeding herself, for a term expiring on June 30, 2005.

Dr. Charles L. Marinelli, 28609 Hoover Road, Warren, Michigan 48093, county of Macomb, as a member representing licensed dentists, succeeding Dr. S. Pamela Herrera of Bloomfield Hills, whose term has expired, for a term expiring on June 30, 2005.

Ms. Emily Joyce Olkowski, 22155 West Village Drive, Dearborn, Michigan 48124, county of Wayne, as a member representing the general public, for a term expiring on June 30, 2005.

August 7, 2001

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

State Fire Safety Board

Mr. Ronald R. Farr, 1226 107th Avenue, Otsego, Michigan 49078, county of Allegan, as a member representing organized fire departments in the Lower Peninsula, succeeding Mr. William S. Nelson of Troy, whose term has expired, for a term expiring on July 15, 2004.

Mr. Wladimir E. Boldyreff, 340 5th Street, Marysville, Michigan 48040, county of St. Clair, as a member representing professional engineers, succeeding himself, for a term expiring on July 15, 2004.

Mr. Joel M. Woods, 5259 Tyrol Lane, Harbor Springs, Michigan 49740, county of Emmet, as a member representing persons who own a place of public assemblage, succeeding himself, for a term expiring on July 15, 2004.

Mr. Carleton D. Smith, 19203 Griggs, Detroit, Michigan 48221, county of Wayne, as a member representing organized fire departments in the Lower Peninsula, succeeding himself, for a term expiring on July 15, 2004.

Mr. John Z. Ballew, 2207 Navarre Circle, Ann Arbor, Michigan 48104, county of Washtenaw, as a member representing registered architects, succeeding himself, for a term expiring on July 15, 2004.

Mr. Gilbert Leo Rider, 3171 East Stewart Road, Midland, Michigan 48640, county of Midland, as a member representing chemical manufacturing industry, succeeding Mr. James M. Geaman of Midland, who has resigned, for a term expiring on July 15, 2002.

August 7, 2001

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

Michigan Board of Podiatric Medicine and Surgery

Dr. Leon Herschfus, 17090 Jeanette, Southfield, Michigan 48075, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on June 30, 2005.

Dr. Thomas L. Abraham, 12323 Margaret Drive, Fenton, Michigan 48430, county of Genesee, as a member representing licensed podiatrists, succeeding himself, for a term expiring on June 30, 2005.

Dr. Anthony V. Benenati, 13878 Barfield, Warren, Michigan 48093, county of Macomb, as a member representing licensed podiatrists, succeeding Mr. Clark P. Johnson of Battle Creek, whose term has expired, for a term expiring on June 30, 2005.

August 9, 2001

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

Michigan Aeronautics Commission

Mr. Lowell E. Kraft, 4336 Iroquois Drive, Sand Point, Beadle Bay II, Pigeon, Michigan 48755-9775, county of Huron, as a member representing the general public, succeeding himself, for a term expiring on May 27, 2005.

August 9, 2001

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

Michigan Asparagus Advisory Board

Mr. Dino Rigoni, 89399 Celery Center, Decatur, Michigan 49045, county of Van Buren, as a member representing growers from southern Michigan, succeeding himself, for a term expiring on November 13, 2003.

Mr. Peter T. Conrad, 2133 West Conrad Road, Ludington, Michigan 49431, county of Mason, as a member representing growers from central-northern Michigan, succeeding Mr. Richard G. Alway of Ludington, whose term has expired, for a term expiring on November 13, 2003.

August 9, 2001

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

Michigan Board of Counseling

Mr. Jack L. Cloud, 6355 Golfview Drive, Bloomfield Hills, Michigan 48301, county of Oakland, as a member representing licensed counselors, succeeding Dr. Lawrence Anthony Pfaff of Portage, whose term has expired, for a term expiring on June 30, 2004.

Dr. Lawrence Anthony Pfaff, 6667 Pleasantview Drive, Portage, Michigan 49024, county of Kalamazoo, as a member representing licensed counselors, succeeding Ms. M. Lucille Kelley of Birmingham, whose term has expired, for a term expiring on June 30, 2005.

Dr. John Stanley Geisler, 3218 Pine Bluff Lane, Kalamazoo, Michigan 49008, county of Kalamazoo, as a member representing licensed counselors, succeeding himself, for a term expiring on June 30, 2004.

Mr. Michael J. Wood, 7716 Tombemory Court, SE, Ada, Michigan 49301, county of Kent, as a member representing the general public, succeeding himself, for a term expiring on June 30, 2005.

August 9, 2001

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

Crime Victims Services Commission

Mr. Kevin A. Rynbrandt, 7290 Denison Drive, SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing attorneys practicing 5 years or more, succeeding Mr. Michael F. Skinner of Lansing, who has resigned, for a term expiring on September 27, 2002.

August 9, 2001

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

Board of Real Estate Appraisers

Mr. David C. Maturen, Owner, Maturen & Associates, Inc., 1125 East Milham Road, Portage, Michigan 49002, county of Kalamazoo, as a member representing certified professionals, succeeding himself, for a term expiring on June 30, 2005.

Mr. P. Craig Cubba, 978 Adams Castle Drive, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing the general public, succeeding himself, for a term expiring on June 30, 2005.

Mr. John E. Craig, 2113 North Gunn Road, Holt, Michigan 48842, county of Ingham, as a member representing certified professionals, succeeding himself, for a term expiring on June 30, 2005.

August 10, 2001

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

Employment Relations Commission

Ms. Maris Stella Swift, 2351 Plainfield, NE, Grand Rapids, Michigan 49505, county of Kent, as a member representing Independents, succeeding herself, for a term expiring on June 30, 2004.

August 10, 2001

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

Ferris State University Board of Trustees

Mr. Louis J. Meeuwenberg, 6725 Sleeper Avenue, Fremont, Michigan 49412, county of Newaygo, as a member representing the general public, succeeding Mr. Jack R. Bates of Leroy, who has resigned, for a term expiring on December 31, 2004.

August 10, 2001

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

Michigan Board of Pharmacy

Mrs. Gretchen Pretty, 4145 Nearbrook Road, Bloomfield Hills, Michigan 48302, county of Oakland, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2005.

Ms. Pamela L. Gnodtke, 856 First Street, Charlevoix, Michigan 49720, county of Charlevoix, as a member representing the general public, succeeding Mr. Karl N. Benghauser of Lansing, who has resigned, for a term expiring on June 30, 2002.

August 16, 2001

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

Board of Forensic Polygraph Examiners

Mr. Charles R. Allen, 604 Chestnut, Grayling, Michigan 48661, county of Crawford, as a member representing public polygraph examiners, succeeding Ms. Julie Lynn Worden of Livonia, whose term has expired, for a term expiring on May 15, 2005.

Mr. Donald A. Elford, 2223 Ridgemoor Court, Burton, Michigan 48509, county of Genesee, as a member representing public polygraph examiners, succeeding himself, for a term expiring on May 15, 2005.

Mr. David G. Curtis, 450 Eagle Point Road, Clark Lake, Michigan 49234, county of Jackson, as a member representing private polygraph examiners, succeeding himself, for a term expiring on May 15, 2005.

August 16, 2001

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

State Employees' Retirement Board

Mr. Douglas C. Drake, 5743 Bear Creek Drive, Lansing, Michigan 48917, county of Ingham, as a member representing retirants, succeeding himself, for a term expiring on July 31, 2004.

August 23, 2001

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

Automobile Theft Prevention Authority Board of Directors

Mr. Steven Wagner, 47181 Northumberland Street, Novi, Michigan 48374, county of Oakland, as a member representing automobile insurers, succeeding Ms. Janet C. Deni of Goodrich, who has resigned, for a term expiring on July 1, 2002.

August 23, 2001

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

Michigan Board of Pharmacy

Ms. Laura A. Shaw, 4256 Blain Island, Waterford, Michigan 48329, county of Oakland, as a member representing licensed pharmacists, succeeding Mr. Thomas F. Gahan of Canton, whose term has expired, for a term expiring on June 30, 2005.

Mr. Ronald Chomiuk, 46035 White Pines Drive, Novi, Michigan 48374, county of Oakland, as a member representing licensed pharmacists, succeeding Ms. Catherine M. Polley of Clarkston, who has resigned, for a term expiring on June 30, 2003

August 23, 2001

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

Occupational Health Standards Commission

Mr. Michael L. Lucas, 10821 Bennett, Lowell, Michigan 49331, county of Kent, as a member representing management, succeeding himself, for a term expiring on August 5, 2004.

Ms. Cynthia A. Holland, 1066 Stony Pointe Boulevard, Rochester, Michigan 48307, county of Oakland, as a member representing employees, succeeding herself, for a term expiring on August 5, 2004.

Dr. Darryl Francis Lesoski, 2206 Aspen Drive, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing the general public, succeeding Dr. Glen Chambers of Okemos, whose term has expired, for a term expiring on August 5, 2004.

August 29, 2001

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

State Board of Accountancy

Mr. Richard M. Gabrys, 249 Charing Cross Court, Bloomfield Hills, Michigan 48304-3507, county of Oakland, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2005.

Mr. Edward S. Kisscorni, 140 Campau Circle, Grand Rapids, Michigan 49503, county of Kent, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2005.

Mr. Lawrence R. Donaldson, 1117 Three Mile Drive, Grosse Pointe Park, Michigan 48230, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on June 30, 2005.

August 29, 2001

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

Elevator Safety Board

Mr. Joseph Thomas McNally, 6560 Sunburst Drive, Portage, Michigan 49002, county of Kalamazoo, as a member representing elevator manufacturers, succeeding himself, for a term expiring on July 22, 2005.

Mr. Robert P. Bunker, 2348 Sapphire Lane, East Lansing, Michigan 48823, county of Ingham, as a member representing insurance companies, succeeding himself, for a term expiring on July 22, 2005.

Mr. Andre G. Schirk, 282 West Pearl Street, Coldwater, Michigan 49036, county of Branch, as a member representing elevator constructor unions, succeeding himself, for a term expiring on July 22, 2005.

August 29, 2001

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

Board of Examiners in Mortuary Science

Mr. Patrick C. Obarzanek, 14939 Robinwood, Plymouth, Michigan 48170, county of Wayne, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2005.

Mr. Samuel A. Smith, 213 East Main Street, Elsie, Michigan 48831, county of Clinton, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2005.

Rev. Richard Hutton, 210 South 11th Street, Escanaba, Michigan 49829, county of Delta, as a member representing the general public, succeeding Rev. Garfield J. Judkins of New Baltimore, whose term has expired, for a term expiring on June 30, 2005.

August 29, 2001

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

State Higher Education Facilities Commission

Dr. David E. Fry, President/CEO, Northwood University, 3225 Cook Road, Midland, Michigan 48640, county of Midland, as a member representing private colleges/universities, succeeding himself, for a term expiring on May 22, 2003.

Mrs. Carol A. Stockman, 5425 Scottdale Road, St. Joseph, Michigan 49085, county of Berrien, as a member representing the general public, succeeding herself, for a term expiring on May 22, 2002.

Mr. Donald Newport, P.O. Box 882, Alpena, Michigan 49707, county of Alpena, as a member representing community colleges and junior colleges, succeeding himself, for a term expiring on May 22, 2002.

Mr. Jim Saalfeld, 2231 Paris Avenue, SE, Grand Rapids, Michigan 49507, county of Kent, as a member representing the general public, succeeding Ms. Marcia S. Beutner of Grand Rapids, who has resigned, for a term expiring on May 22, 2004.

September 5, 2001

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

Collection Practices Advisory Board

Mr. Charles Houghton Havill, 7068 Logan Lane, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing professionals, succeeding himself, for a term expiring on June 30, 2005.

Mrs. Raquel Reardon, 20808 Marter Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, as a member representing the general public, succeeding herself, for a term expiring on June 30, 2005.

Mr. James P. Hoppin, 2413 Hickory Glen Drive, Bloomfield Hills, Michigan 48034, county of Oakland, as a member representing professionals, succeeding Mr. Ronald G. Doster of Dexter, whose term has expired, for a term expiring on June 30, 2005.

September 5, 2001

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

State Transportation Commission

Mr. Brian K. Larche, 1800 South 21.5 Drive, Escanaba, Michigan 49829, county of Delta, as a member representing the general public, succeeding Mr. Jack L. Gingrass of Iron Mountain, whose term has expired, for a term expiring on December 21, 2003.

September 7, 2001

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

Natural Resources Commission

Mr. William U. Parfet, Chairman & CEO, MPI Research, 54943 North Main Street, Mattawan, Michigan 49071, county of Van Buren, as a member representing Republicans, succeeding Mr. Jerry C. Bartnik of Temperance, who has died, for a term expiring on December 31, 2004.

Mr. James E. Campbell, 37904 Palma Road, New Boston, Michigan 48165, county of Wayne, as a member representing Democrats, succeeding Mr. William U. Parfet of Hickory Corners, whose term has expired, for a term expiring on December 31, 2003.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received on July 24, 2001, and read:

EXECUTIVE ORDER

No. 2001 - 2

Rescission of Executive Order No. 2001 - 1

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

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

Whereas, Article V, Section 8, of the Constitution of the state of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

Whereas, the Michigan Legislature has passed legislation creating the Department of History, Arts and Libraries; and

Whereas, the legislation creating the Department of History, Arts and Libraries is substantially similar to the provisions of Executive Order 2001-1 creating the Department of History, Arts and Culture; and

Whereas, in fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963 the provisions of Executive Order 2001-1 become effective August 5, 2001.

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

Executive Order 2001-1, creating the Department of History, Arts and Culture, is hereby rescinded in its entirety.

The provisions of this Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of July, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received on August 9, 2001, and read:

EXECUTIVE ORDER
No. 2001 - 3

Department of Information Technology

Department of Management and Budget

Executive Reorganization

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

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

Whereas, certain functions, duties and responsibilities currently assigned to other state departments can be more effectively carried out by a new principal Department of Information Technology; and

Whereas, reorganizing information technology management functions into a new principal department with a cabinet-level Chief Information Officer will promote a unified approach to information technology management for executive branch agencies; and

Whereas, the creation of a new Department of Information Technology will improve the management of information technology investments and allow the state to establish stronger strategic relationships with business partners; and

Whereas, the creation of a new Department of Information Technology will strengthen central policymaking and direction-setting in all areas of information technology, bring about improved information management and data standardization, and catalyze the use of improved project management practices and strategic technology infrastructure planning; and

Whereas, improvements are necessary to provide the customers of the state of Michigan - be they citizens, businesses or employees - with an improved delivery of state services; and

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

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

I. DEFINITIONS

As used herein:

A. The "Department of Management and Budget" means the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

B. The “Michigan Information Network Office” means the entity created by Executive Order 1995-14, being Section 18.1695 of the Michigan Compiled Laws.

C. The “Michigan Information Network Advisory Board” means the entity created by Executive Order 1995-14, being Section 18.1695 of the Michigan Compiled Laws.

D. “Information Technology Services” means services involving all aspects of managing and processing information including, but not limited to:

- application development and maintenance;
- desktop computer support and management;
- mainframe computer support and management;
- server support and management;
- local area network support and management;
- information technology contract, project and procurement management;
- information technology planning and budget management; and
- telecommunication services, security, infrastructure and support.

II. CREATION OF THE DEPARTMENT OF INFORMATION TECHNOLOGY

A. The Department of Information Technology (hereafter “Department”) is hereby created. This Department shall be headed by a Director who shall be appointed by and serve at the pleasure of the Governor. The Director shall also serve as the state’s Chief Information Officer.

B. The Department shall lead state efforts to re-engineer the state’s information technology infrastructure with the goal of achieving the use of common technology across the executive branch.

C. The Department shall coordinate a unified executive branch strategic information technology plan, identify best practices from executive branch agencies and other public and private sector entities, and develop and implement processes to replicate information technology best practices and standards throughout the executive branch.

D. The Department shall oversee the expanded use and implementation of project and contract management principles as they relate to information technology projects within the executive branch. Funded projects within executive branch agencies shall use the project and contract management methodologies specified by the Department.

E. The Department shall serve as a general contractor between the state’s information technology users and private-sector providers of information technology products and services. The Department shall work toward building stronger partnering relationships with providers.

F. The Department shall develop service-level agreements with executive branch departments and agencies to ensure quality products are delivered on schedule and within budget.

G. The Department shall develop standards for application development including, but not limited to, a standard methodology and cost-benefit analysis that all executive branch departments and agencies shall utilize for application development activities.

H. The Department shall have the full cooperation of executive branch departments and agencies in developing and implementing the sharing of data and information throughout the executive branch. The Department shall determine and implement statewide efforts to standardize data elements and shall determine data ownership assignments among executive branch departments and agencies.

I. The Department shall develop systems and methodologies to review, evaluate and prioritize existing information technology projects within the executive branch and shall report to the Governor the status of information technology projects on a semi-annual basis.

J. The Department will assist the State Budget Office with the development of information technology budgets for the executive branch. All information technology budget requests from the executive branch will be submitted to the State Budget Office and the Department. The State Budget Office and the Department will jointly review and recommend for funding consideration only those proposals that fit into the overall strategic information technology management plan of the state and that provide a reasonable return on investment.

III. INFORMATION TECHNOLOGY FUNCTIONS AND PERSONNEL

A. Except as otherwise provided in part IV of this order, all the authority, powers, duties, functions, responsibilities, personnel, equipment and budgetary resources involved in or related to the provision of information technology services currently located within any executive branch department or agency are hereby transferred to the Department of Information Technology by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. As necessary to accomplish the missions and goals of executive branch departments and agencies, the Director of the Department of Information Technology, or the individual designated by the Governor as the Information Technology Transition Director, may immediately detail personnel transferred from executive branch departments and agencies under the provisions of this part back to their respective department or agency of origin.

IV. DEPARTMENT OF MANAGEMENT AND BUDGET

A. All the authority, powers, duties, functions and responsibilities of the following units, teams, divisions, and offices within the Department of Management and Budget:

- the Michigan Administrative Information Network;
- the Computing Services Unit;
- the Information Technology Services Division;
- the Office of Project Management;
- the Information Technology Budget and Finance Division;
- the Office of Information Technology Solutions;
- the Telecommunications Services Unit; and
- the Michigan Information Network Office; including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in:

1. Section 203 of Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1203 of the Michigan Compiled Laws (automated information processing installations);

2. Section 269(1)(b) and 269(1)(d) of Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1269(1)(b) and 18.1269(1)(d) of the Michigan Compiled Laws (provision of centralized services to state agencies, specifically telecommunications and optical disc services);

3. Executive Order 1994-13, as amended, being Section 18.32 of the Michigan Compiled Laws (transfer of certain computer program analysis and programming responsibilities to the Michigan Administrative Information Network);

4. Executive Order 1994-15, as amended, being Section 18.33 of the Michigan Compiled Laws (telecommunications systems and related services);

5. Executive Order 1995-10, as amended, being Section 18.1691 of the Michigan Compiled Laws (consolidation of information processing systems for executive branch agencies);

6. Executive Order 1995-14, as amended, being Section 18.1695 of the Michigan Compiled Laws (Michigan Information Network Office); and,

7. Section 1291 of Act No. 335 of the Public Acts of 1993, as amended, being Section 380.1291[1] of the Michigan Compiled Laws (world-class statewide interactive video and data access and exchange system); are hereby transferred from the Department of Management and Budget to the Department of Information Technology by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. All the authority, powers, duties, functions and responsibilities of the Michigan Information Center, which is currently located in the Executive Office of the Governor pursuant to the terms of a Memorandum of Understanding and a Memorandum of Agreement executed between the Executive Office of the Governor and the Department of Management and Budget in March of 2001, upon its return from the Executive Office of the Governor to the Department of Management and Budget, is hereby transferred from the Department of Management and Budget to the Department of Information Technology by a Type II transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

V. MICHIGAN INFORMATION NETWORK ADVISORY BOARD

All the authority, powers, duties, functions and responsibilities of the Michigan Information Network Advisory Board are hereby transferred from the Department of Management and Budget to the Department of Information Technology by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The Michigan Information Network Advisory Board is hereby abolished.

VI. MISCELLANEOUS

A. The individual designated by the Governor as the Information Technology Transition Director shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of Information Technology made under this Order.

B. The Information Technology Transition Director, and the Directors of all executive branch departments and agencies shall jointly identify the program positions and administrative function positions that will be transferred to the Department of Information Technology according to the terms of this Order. The Information Technology Transition Director and the Directors of all executive branch departments and agencies shall make every effort to develop agreements specifying these positions by the effective date of this order. In the event of a failure to reach agreement on the positions to be transferred under this order, the Information Technology Transition Director shall develop a written recommendation specifying the positions to be transferred to the Department of Information Technology under the terms of this order. The Information Technology Transition Director shall submit the recommendation to the Governor no later than January 1, 2002, for his consideration and approval.

C. The Information Technology Transition Director shall immediately initiate coordination with the directors of all state departments affected by this Order to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

D. All records, personnel, property, equipment, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the Department of Information Technology by this Order are hereby transferred to the Department of Information Technology.

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

F. The Director of the Department of Information Technology, or other individual designated by the Governor, may establish an administrative unit, including budget, personnel, information systems, internal audit, procurement, legislative and other related administrative functions. The Director of the Department of Information Technology, or other individual designated by the Governor, may also request the assistance of any state department or agency with respect to personnel, budgeting, procurement, information systems and other management-related functions and the state department or agency shall provide such assistance.

G. The Director of the Department of Information Technology, or other individual designated by the Governor, may hire or retain such contractors, sub-contractors, advisors, consultants and agents as the director may deem advisable and necessary, in accordance with the relevant procedures, statutes, rules and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of the powers and performance of the duties of the department and the director. Under this provision, the Director of the Department of Information Technology, or other individual designated by the Governor, may specifically hire or retain such contractors, sub-contractors, advisors, consultants and agents as the director may deem advisable and necessary to provide legal advice or legal services, to provide for research and development activity, and/or to provide strategic planning services.

H. The Director of the Department of Information Technology, or other individual designated by the Governor, may by written instrument delegate a duty or power conferred by law or this Order, and the department, agency or person to whom such duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Director of the Department of Information Technology, or other individual designated by the Governor.

I. After consultation with the Director of the Department of Information Technology, or other individual designated by the Governor, the State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

J. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Department of Information Technology by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

K. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

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

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective October 14, 2001.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 9th day of August, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received on August 13, 2001, and read:

EXECUTIVE ORDER
2001 - 4

Michigan Quarter Commission

Department of History, Arts and Libraries

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

Whereas, United States Public Law 105-124 establishes a program that honors the individual 50 states that comprise the United States through a new series of quarters to be issued over the next decade in the order that each state ratified the Constitution of the United States or was admitted into the union; and

Whereas, this program is intended to "honor the unique Federal Republic of 50 States that comprise the United States; and to promote the diffusion of knowledge among the youth of the United States about the individual states, their history and geography, and the rich diversity of the national heritage"; and

Whereas, state governors have been invited to submit design concepts or themes that represent their states to the U.S. Secretary of Treasury; and

Whereas, designs for Michigan's quarter need to be submitted in 2002 so that the Michigan quarter can be released in 2004; and

Whereas, it is important that the residents of Michigan participate in the process of selecting a design for Michigan's quarter.

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

A. The Michigan Quarter Commission ("Commission") is hereby established within the Department of History, Arts and Libraries.

B. The Commission shall consist of twenty-five members who shall be appointed by, and serve at the pleasure of, the Governor. The Governor shall appoint one member of the Commission as Chairperson. Members of the Commission shall serve during the existence of the Commission. The Commission shall be staffed by personnel within the Department of History, Arts and Libraries, to be designated by the Director of the Department of History, Arts and Libraries.

C. The Commission is advisory in nature and is charged with the following responsibilities:

1. Review of the quarter design process established by United States Public Law 105-124 and the United States Secretary of Treasury;

2. Establish state guidelines for quarter design submissions, as well as the process and criteria by which submissions will be evaluated;

3. Encourage participation and ensure that Michigan citizens of all ages have an opportunity to participate in the design submission process;

4. Review design submissions and select the pool of finalists; and

5. Present the pool of finalists to the Governor for review and final selection.

D. All principal departments and other state agencies shall cooperate with the Commission in the performance of its responsibilities. The Commission may request, and principal departments and other state agencies shall provide, such policy and technical information as is required by the Commission in the discharge of its responsibilities.

E. Members of the Commission shall not receive compensation, but members may receive necessary expenses for the performance of Commission functions, based on existing state rates.

F. The Commission may adopt rules of procedure, not inconsistent with Michigan law and with this Executive Order, governing its organization and operations. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Commission shall be conducted by a majority vote.

G. Unless extended by the Governor, the Commission shall complete its work and submit finalists to the Governor by June 1, 2002.

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

The provisions of this Executive Order shall become effective immediately upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 13th day of August, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:

Candice S. Miller

Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received on August 30, 2001, and read:

EXECUTIVE ORDER

No. 2001 - 5

**Michigan Justice Training Commission and
Michigan Justice Training Fund**

**Commission on Law Enforcement Standards and
Law Enforcement Officers Training Fund**

Michigan Commission on Law Enforcement Standards

Michigan Department of State Police

Executive Reorganization

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

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

Whereas, the Michigan Justice Training Commission and the Michigan Justice Training Fund were created within the Department of Management and Budget by Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; and subsequently transferred to the Department of State Police by Executive Order 1993-11, being Section 18.431 of the Michigan Compiled Laws; and

Whereas, the Michigan Law Enforcement Officers Training Council (later renamed the Commission on Law Enforcement Standards by Act No. 237 of the Public Acts of 1998, which amended Section 28.601 et seq. of the Michigan Compiled Laws) and the Law Enforcement Officers Training Fund were created under Act No. 203 of the Public Acts of 1965, as amended, being section 28.601 et seq. of the Michigan Compiled Laws; and subsequently transferred by a Type I transfer to the Department of State Police by Act No. 407 of the Public Acts of 1965, being Section 16.257 of the Michigan Compiled Laws; and

Whereas, the powers, functions, duties and responsibilities assigned to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards, and the Law Enforcement Officers Training Fund can be more effectively carried out by a new Michigan Commission on Law Enforcement Standards; and

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

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

I. NEW MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

A. The new Michigan Commission on Law Enforcement Standards is hereby created as a Type I agency within the Department of State Police.

B. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund including those involving rulemaking, grant awards and annual distributions and including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in:

1. The Commission on Law Enforcement Standards Act, Act No. 203 of the Public Acts of 1965, as amended, being Section 28.601 et seq. of the Michigan Compiled Laws;

2. The Michigan Justice Training Commission and Michigan Justice Training Fund Act, Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; are hereby transferred to the new Michigan Commission on Law Enforcement Standards by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. The new Michigan Commission on Law Enforcement Standards shall consist of fifteen (15) members as follows:

1. The Attorney General, or the designated representative of the Attorney General;

2. The Director of the Department of State Police, or the Director's designated representative who is a Michigan State Police Officer;

3. The Chief of the Police Department located in a city with a population of more than 750,000, or the Chief's designated representative who is a command officer with that department; and

4. Twelve (12) members appointed by the governor, with the advice and consent of the Senate, as follows:

a. Three (3) individuals selected from a list of nine (9) active voting members of and submitted by the Michigan Association of Chiefs of Police or its successor organization;

b. Three (3) individuals selected from a list of nine (9) elected sheriffs submitted by the Michigan Sheriffs' Association or its successor organization;

c. One (1) individual selected from a list of three (3) individuals submitted by the Prosecuting Attorneys' Association of Michigan or its successor organization;

d. One (1) individual selected from a list of three (3) individuals submitted by the Criminal Defense Attorneys of Michigan or its successor organization;

e. One (1) individual selected from a list of three (3) individuals submitted by the Michigan State Police Troopers Association or its successor organization;

f. One (1) individual selected from a list of three (3) individuals submitted by the Michigan Chapter of the Fraternal Order of Police or its successor organization;

g. One (1) individual selected from a list of three (3) individuals submitted by the Police Officers Association of Michigan or its successor organization;

h. One (1) individual selected from a list of three (3) individuals submitted by a police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state or their successor organizations; and

i. The Governor may appoint any individual meeting the membership requirements of the organizations listed in 4.a. through 4.h. in the event that an organization required to submit a list of potential candidates fails to submit a list:

- (1) at least 30 days prior to a vacancy created by the expiration of a term; or
- (2) within 30 days of the effective date of any other vacancy.

5. An individual selected under subdivision 4 shall serve as a commission member only while serving as a member of the respective organizations in subparagraphs 4.a. through 4.h.

6. Except as otherwise provided in this subdivision, members of the Commission appointed under subdivision 4 shall hold office for a term of three (3) years. However:

a. Of the members initially appointed from the list of nominees submitted by the Michigan Association of Chiefs of Police, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.

b. Of the members initially appointed from the list submitted by the Michigan Sheriffs' Association, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.

c. The members initially appointed from the list of nominees submitted by the Michigan State Police Troopers Association and the Michigan Chapter of the Fraternal Order of Police shall be appointed for a term of two (2) years.

d. The members initially appointed from the list of nominees submitted by the Police Officers Association of Michigan and the police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state shall be appointed for a term of one (1) year.

7. A vacancy on the commission caused by the expiration of a term or termination of the member's official position in law enforcement shall be filled in the same manner as the original appointment.

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

D. The new Michigan Commission on Law Enforcement Standards, in addition to exercising the statutory authority, powers, duties, functions and responsibilities transferred to it by this order, shall focus its activities in order to accomplish the following objectives involving law enforcement organizations and officers:

1. Increase professionalism;
2. Increase the number of law enforcement organizations that offer formal in-service training and increase the number of law enforcement officers who receive formal in-service training;
3. Institute law enforcement in-service training standards applicable to all law enforcement in-service training in Michigan;
4. Implement a web-based information system that will allow the Commission to accomplish its goals and communicate with Michigan law enforcement organizations in a more efficient manner; and
5. Ensure that grants awarded by the Commission to Michigan law enforcement organizations advance the objectives listed in subparagraphs D.1. through D.3.

II. MISCELLANEOUS

A. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.

B. The Executive Director of the new Michigan Commission on Law Enforcement Standards shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of State Police and the Executive Director of the new Michigan Commission on Law Enforcement Standards shall immediately initiate coordination to facilitate the transfer and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or obligations to be resolved by the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund.

D. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the new Michigan Commission on Law Enforcement Standards.

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

F. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

G. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

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

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective November 1, 2001.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 30th day of August, in the Year of our Lord, Two Thousand One.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

APPROPRIATIONS; CAPITAL OUTLAY

July 19, 2001

Today I have signed Enrolled Senate Bill 231, which provides Fiscal Year 2001 and 2002 appropriations for Capital Outlay. However, I am returning it to you because of items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

This bill appropriates debt service payments on previously completed capital outlay projects; funds needed maintenance and repairs at state agency buildings; provides state restricted funds for farmland preservation, wildlife, boating, airport, transportation and national guard programs; and authorizes new capital outlay projects for planning and construction.

Debt service payments of \$283.8 million for State Building Authority Rent are contained in this bill. This appropriation will fund debt service payments on previously completed capital outlay projects for Michigan's 28 community colleges, 15 public universities, and state agencies. Maintenance funds totaling \$18 million are also appropriated for repairs at state agency buildings. Pursuant to target agreements, this is \$9.8 million less than was originally recommended, but will provide for emergency health and safety repairs at numerous state facilities.

Restricted funds totaling \$30.2 million are appropriated for the Department of Natural Resources, including \$3.3 million for State Park remodeling, \$5.4 million for wildlife habitat improvements, and \$21.5 million for waterways boating projects.

The Department of Transportation is appropriated \$9.8 million in State Trunkline revenue for various initiatives, including \$300,000 to develop plans for a new Upper Peninsula Discovery and Welcome Center in St. Ignace, and \$2.8 million to construct a new Welcome Center in Coldwater.

The Local Airport Program is appropriated \$152.7 million, which includes \$20 million in our continuing contractual commitment to the Detroit Midfield Terminal, \$1 million for the Detroit Willow Run airport and \$5 million in matching funds on Federal Aviation Administration local airport grants.

Construction authorizations are appropriated for five new capital outlay projects: one for the State legislature and four at Michigan colleges and universities. These projects are: the Roosevelt Legislative Parking Deck (\$6.6 million); Saginaw Valley State University—Instructional Facility Number 4 and Library Renovations (\$40 million); Western Michigan University—Health and Human Services Building (\$48.2 million); Western Michigan University/Lake Michigan College—Southwest Center building (\$8.5 million); and Macomb Community College—Fraser Campus renovations (\$6.5 million).

I vetoed construction authorization for two additional higher education projects at Northern Michigan University. My rationale is two-fold. First, both of the projects at Northern Michigan University include elements that do not qualify for bonding by the State Building Authority, including parking structures, a concert hall, and campus-wide electrical system improvements. I believe that scarce State Building Authority (SBA) bond revenues should only be used for projects with specific academic or research purposes.

Second, the legislature appropriated construction authorization for each of these projects despite the fact that the Department of Management and Budget had not yet completed their review of program statements and schematic plans, nor had project materials been reviewed by the Joint Capital Outlay Subcommittee (JCOS) of the legislature. Michigan's new capital outlay process depends on a careful review of project documents by both the Executive and

Legislature, prior to authorizing construction funds. My approval of these projects would have violated both the letter and spirit of this process. I urge university officials to continue to meet with budget staff in an effort to sharpen the focus of their proposal. If a "good faith effort" is made on these initiatives it is possible to revisit the university's needs later this year.

I have also vetoed language Section 903, which attempts to change the intent of funding originally appropriated to the Department of Management and Budget in 2000 PA 291 for the demolition of abandoned properties which have reverted to state ownership. This language section would earmark \$1,000,000 of that funding for use by Wayne County for demolition of properties for which the state has no legal liability. While I remain deeply committed to working with Wayne County and the City of Detroit to demolish dangerous buildings in their communities, I do not believe it is necessary to earmark a specific dollar amount in order to develop a partnership with the County. In fact, the State should be allowed to contract with the County for more than \$1 million if it deems appropriate.

Finally, planning authorization for one new higher education project is authorized in this bill - the Center for Integrated Learning and Information Technology at Michigan Technological University (MTU). However, future support for construction authorization on this project is contingent upon two factors. First, MTU must work with the Michigan Virtual University program to provide access to high technology and advanced technological training to K-12 students and teachers as part of this project.

Second, as a result of our limited State Building Authority statutory bond capacity, the commitment of State funds for this project cannot exceed \$25 million. The University may choose to reduce project scope, increase university match, or both, as a result.

I commend the legislature for their support of maintaining the infrastructure of our state through this capital outlay budget.

Sincerely,
John Engler
Governor

This bill was signed by the Governor on July 19, 2001, at 4:42 p.m. (Filed with the Secretary of State on July 23, 2001, at 9:44 a.m.) and assigned Public Act No. 45.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Emmons moved that the veto message be referred to the Committee on Appropriations.

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF AGRICULTURE

July 20, 2001

Today I have signed Enrolled Senate Bill 230, the Fiscal Year 2002 appropriations bill for the Department of Agriculture. However, I am returning it to you because of two items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

My action today provides over \$100 million in funding to support the agricultural, environmental and food safety responsibilities of the Department of Agriculture. In addition, this bill:

- Includes \$3.5 million for continued support of Michigan's comprehensive Bovine Tuberculosis statewide eradication and surveillance efforts. I wish to compliment the Department in meeting the federally imposed deadline by having all dairy herds in the state tested as of June 22, 2001.
- Increases funding for horse racing programs by \$1.3 million. This represents a 13.5 percent increase over the current year.
- Increases funding by \$1.0 million for the Cooperative Resource Management Initiative for local conservation grants to assist private landowners in land management.
- Provides support of \$163,500 for the review of deer and elk farming enterprises as required under the Cervidae Producers Marketing Act of 2000.

The appropriation for the Pesticide Residue Reduction program includes a \$225,000 increase to improve regulatory oversight and industry compliance. Legislative support is needed for proposed fee changes to the Pesticide Control Act to support this program enhancement.

My action today vetoes two items with which I do not concur:

- I have vetoed section 404 which earmarks \$25,000 for the placement of milk vending machines in public areas. I am directing the Department of Agriculture to meet with the various interested parties and determine the feasibility for placement of milk vending machines in public areas.

- I have vetoed \$50,000 for Michigan festivals, and related language in section 810 which directs that the funding be used to promote commodity related festivals on a statewide basis. There is no demonstrated need for this funding and, instead, I am directing the Michigan Travel Bureau to work cooperatively with the Department of Agriculture to integrate festival promotion into their ongoing tourism activities.

This bill supports the operations of the Department of Agriculture for Fiscal Year 2002. I commend the Legislature for its prompt action in finalizing this budget.

Sincerely,
John Engler
Governor

This bill was signed by the Governor on July 20, 2001, at 4:40 p.m. (Filed with the Secretary of State on July 23, 2001, at 3:49 p.m.) and assigned Public Act No. 53.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Emmons moved that the veto message be referred to the Committee on Appropriations.

The motion prevailed.

The following message from the Governor was received and read:

APPROPRIATIONS; DEPARTMENT OF STATE POLICE

July 20, 2001

Today I have signed Enrolled Senate Bill 238, the Fiscal Year 2002 appropriations bill for the Department of State Police. However, I am returning it to you because of two items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

My action today provides over \$415 million to support the critical law enforcement activities of the Michigan State Police. Among other items, this bill:

- Includes \$4.0 million in additional federal support for a criminal records rewrite project, motor carrier enforcement, and the purchase of mobile computer terminals for patrol cars.
- Includes approximately \$4.0 million in additional federal support for the purchase of equipment by local emergency management first response teams, and for passenger safety and underage drinking enforcement.
- Provides more than \$1.0 million in restricted revenue support for implementation of the new concealed weapons law.
- Includes a \$200,000 increase in the standards and training program which provides for certification of law enforcement officers.

Section 220 directs the department to collect and computerize the vehicle identification number for vehicles entered into the state accident data collection system. The Legislature did not appropriate any funds to implement this boilerplate; therefore, the department lacks the budgetary authority to comply with the boilerplate.

My action today also vetoes two items with which I do not concur and which are detailed below.

- I have vetoed a portion of the secondary road patrol funding. Overall funding for secondary road patrol has increased from \$6.7 million in 1992 to over \$12.4 million in Fiscal Year 2001, an 85 percent increase in the last decade. It is not fair to add over \$500,000 in new spending to a local road patrol program while at the same time reducing funding for state troopers. (A \$2.9 million reduction in the At-Post Trooper Account is included in this bill.) I will support restoration of funding for secondary road patrol at the overall level recommended in my Executive Budget.
- I have also vetoed boilerplate section 1202 which earmarks funding for an aeronautics safety officer position within the Department of Transportation. I do not support the establishment of a specialized position at this time.

This bill supports the essential operations of the Department of State Police for Fiscal Year 2002. I commend the Legislature for its cooperation in completing this budget.

Sincerely,
John Engler
Governor

This bill was signed by the Governor on July 20, 2001, at 4:30 p.m. (Filed with the Secretary of State on July 23, 2001, at 3:45 p.m.) and assigned Public Act No. 51.

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator Emmons moved that the veto message be referred to the Committee on Appropriations.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Messages from the House

Senate Bill No. 30, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16277. The House of Representatives has appointed Reps. Howell, Richner and Adamini as conferees to join with Senators Shugars, Schwarz and Peters. The bill was referred to the Conference Committee on July 12, 2001.

House Bill No. 4371, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 11, 11f, 11g, 20, 20j, 22a, 22b, 24, 26a, 31a, 31d, 32a, 32b, 32c, 32d, 32e, 32f, 32g, 32h, 33, 41, 51a, 51c, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 94a, 96, 97, 98, 99, 107, 108, and 147 (MCL 388.1606, 388.1611, 388.1611f, 388.1611g, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1624, 388.1626a, 388.1631a, 388.1631d, 388.1632a, 388.1632b, 388.1632c, 388.1632d, 388.1632e, 388.1632f, 388.1632g, 388.1632h, 388.1633, 388.1641, 388.1651a, 388.1651c, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1663, 388.1667, 388.1668, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1696, 388.1697, 388.1698, 388.1699, 388.1707, 388.1708, and 388.1747), sections 6, 11, 11f, 11g, 20, 20j, 24, 26a, 31a, 31d, 33, 41, 51a, 53a, 54, 56, 57, 61a, 62, 63, 67, 68, 74, 81, 94, 99, 107, and 147 as amended and sections 22a, 22b, 32a, 32b, 32c, 32d, 32e, 32g, 32h, 51c, 94a, 96, 97, 98, and 108 as added by 2000 PA 297 and section 32f as amended by 2000 PA 388; and to repeal acts and parts of acts.

The House of Representatives has nonconcurrent in the Senate substitute (S-1) and appointed Reps. Jelinek, Stamas and Switalski as conferees.

The message was referred to the Secretary for record.

Recess

Senator Emmons moved that the Senate recess subject to the call of the President. The motion prevailed, the time being 10:19 a.m.

10:24 a.m.

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

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Emmons moved that consideration of the following concurrent resolution be postponed for today:
Senate Concurrent Resolution No. 11
The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:
Senate Resolution No. 95
Senate Resolution No. 96
Senate Resolution No. 97
Senate Resolution No. 100
The resolution consent calendar was adopted.

Senator Byrum offered the following resolution:
Senate Resolution No. 95.

A resolution honoring the life and memory of the late James Pelton, Fire Chief for the City of Mason. Whereas, It is with great sadness that we honor the life and memory of James Pelton for his long and devoted efforts to protect and serve the residents and community of Mason; and

Whereas, Chief Pelton's life was cut short, and his impact on the community will be felt forever. Having served as a volunteer firefighter for 39 years before becoming Mason's first full-time fire chief, he helped move the fire department into the 21st century; and

Whereas, Jim Pelton was known to his friends and co-workers as "Johnny-on-the-spot" for always being there when anyone needed a helping hand. Mr. Pelton was greatly respected by city leaders as an innovator, a leader, and always a friend. Clearly, he touched the lives of the residents of the city of Mason and will be greatly missed; now, therefore, be it

Resolved by the Senate, That the members of this legislative body join in honoring the life, memory, and service of Fire Chief James Pelton; and be it further

Resolved, That a copy of this resolution be transmitted to Barb Pelton, devoted wife of James for 37 years, as a token of our respect for her husband's commitment to the city of Mason and Ingham County.

Senators Young, Hoffman, Goschka and DeBeaussaert were named co-sponsors of the resolution.

Senator Byrum offered the following resolution:

Senate Resolution No. 96.

A resolution proclaiming September 16-22, 2001, as Yellow Ribbon Youth Suicide Awareness and Prevention Week.

Whereas, Youth suicide is one of the most disruptive and tragic events a family and a community can experience and is occurring at a national rate of over 5,000 suicides annually; and

Whereas, Youth suicide is the fastest-growing killer of youth today; and

Whereas, Michigan is one of the leading states for youth suicide, with at least one youth suicide every week. Suicide kills youth 3 to 6 times more than homicide. Research shows that almost all youth suicides are preventable; and

Whereas, Statistics indicate that awareness, education, and action do save lives. Heightened community awareness will encourage communities to develop strategies to prevent youth suicides. The state of Michigan is pleased to be at the forefront leading these worthwhile efforts; and

Whereas, The yellow ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of youth suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents, and especially youths themselves; now, therefore, be it

Resolved by the Senate, That we hereby proclaim September 16-22, 2001, as Yellow Ribbon Youth Suicide Awareness and Prevention Week. We urge all citizens to work to prevent youth suicide, wear a yellow ribbon, and to raise awareness and tolerance with all people affected by this tragedy; and be it further

Resolved, That a copy of this resolution be transmitted to Light for Life Foundation Michigan as a symbol of our support for this worthwhile endeavor.

Senators Young, Goschka and DeBeaussaert were named co-sponsors of the resolution.

Senators Garcia, Van Regenmorter and Shugars offered the following resolution:

Senate Resolution No. 97.

A resolution commemorating September 15 - October 15, 2001, as Hispanic Heritage Month.

Whereas, It is a privilege to join with the Hispanic community of Michigan to recognize September 15 - October 15, 2001, as Hispanic Heritage Month in Michigan. This observance offers a statewide opportunity for citizens to explore the many important historical and cultural contributions Hispanics have made in our Great Lakes State; and

Whereas, Activities during Hispanic Heritage Month will center on the theme for this year, "Many Faces, Many Cultures." Leaders in the Hispanic community in national debates recognize differences over bilingual education, affirmative action, technology training, and cultural obstacles and seek to address these issues as they celebrate past successes. Hispanics have increased their influence in the arts, government, education, business, and all other areas of society. We must continue to forge new policies that positively impact our Hispanic communities, while bringing them together; and

Whereas, Hispanic Heritage Month provides all citizens with a fitting opportunity to become more aware of how Hispanic individuals, families, and communities enrich our great state. The dignity, courage, and creative spirit that the Hispanic people have displayed in meeting the challenges and responsibilities of fulfilling the American Dream are an inspiration to us all. It is a pleasure to recognize the lasting impact that Hispanic Americans have had on the strength and progress of Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate September 15 - October 15, 2001, as Hispanic Heritage Month in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to organizers of this event as evidence of our support for an enjoyable and inspirational observance.

Senators Young, Hoffman, Goschka and DeBeaussaert were named co-sponsors of the resolution.

Senator Sikkema offered the following resolution:

Senate Resolution No. 100.

A resolution honoring BISSELL Inc. upon the occasion of the 125th Anniversary of its founding.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the management and staff of BISSELL Inc. as they mark the 125th Anniversary of the founding of this exemplary business. We are proud to recognize the important role this enterprise has played in contributing to both the economic well-being of the Grand Rapids area and the lives of countless citizens. BISSELL Inc. has supported the community in myriad ways including contributions to the United Way, Junior Achievement, and Ronald McDonald House; and

Whereas, In 1876, Melville Bissell patented the first carpet sweeper, and in doing so, created a revolution in cleaning. After Melville Bissell's unexpected death in 1889, his wife Anna overcame many challenges that ultimately made the company thrive, and she led the company for forty-two successful years. Succeeding her were company presidents Melville R. Bissell Jr., Melville R. Bissell III, John M. Bissell, now chairman of the board, and Mark Bissell, current president and CEO. The leadership at BISSELL Inc. has been a family progression that has allowed the company to prosper from generation to generation; and

Whereas, Since its founding in Grand Rapids, BISSELL Inc. has become a vital element in helping Michigan grow and adapt to needs in commerce and all aspects of life in Grand Rapids. The success in maintaining competitiveness during an era of many challenges is the direct result of the commitment of the people of this company over the years and their ability to work together to offer the best in products and services. Even as our cyclical Michigan economy has presented obstacles to growth and stability, BISSELL Inc. has sustained itself through dedication and innovation; and

Whereas, In looking back over 125 years of BISSELL Inc.'s history, it is clear that this business has set its course with a continuing look to the future. While the changes of the marketplace and technology dictate many of the decisions for any good company, BISSELL Inc. has also demonstrated the importance of looking to the future with product research and development. We are grateful for all that BISSELL Inc. has contributed to Grand Rapids and all of Michigan; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 125th Anniversary of BISSELL Inc. We salute them on this happy occasion and wish them well in the years to come; and be it further

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

Senator Smith offered the following resolution:

Senate Resolution No. 98.

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 1.108 of the Standing Rules of the Senate be amended to read as follows:
"1.108 SENATE BROADCAST

The Secretary of the Senate, with the concurrence of the Senate Majority Leader, is authorized to broadcast Senate session. BROADCASTS OF SENATE SESSIONS SHALL INCLUDE THE DISPLAY OF THE VOTING BOARD, WITH THE VOTES OF INDIVIDUAL MEMBERS CLEARLY LEGIBLE, FOR ALL VOTES THAT ARE RECORDED IN THE JOURNAL."

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Peters entered the Senate Chamber.

Senator Sikkema offered the following resolution:

Senate Resolution No. 99.

A resolution to memorialize the Congress of the United States to enact the Great Lakes Legacy Act of 2001.

Whereas, The quality of the Great Lakes is of the utmost importance not only to the millions of people living within the basin, but to our entire country. Threats of contamination from present and past actions place in jeopardy the strength of an enormous portion of American agriculture, manufacturing, and transportation resources; and

Whereas, The Great Lakes, which only stand to increase in economic significance in generations to come because of the ever-growing need for fresh water, will play a major role in determining the quality of life in our country far into the future. Should the lakes become less than a top priority for local and federal authorities in our country and Canada, progress will be halted in many areas. In addition, ignoring the need to restore the lakes will only lead to more expensive and less effective actions later; and

Whereas, Congress is considering a bill to provide for cleanup efforts through a grant program. This legislation, the Great Lakes Legacy Act of 2001, H.R. 1070, would help finance efforts to clean, monitor, and prevent contaminated sediments in the Great Lakes Basin. This measure could have a dramatic impact in helping clean up contamination, including such poisons as PCBs and other carcinogens; and

Whereas, Investing in an irreplaceable resource is clearly a wise long-term approach that will benefit the country; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Great Lakes Legacy Act of 2001; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, 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 Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senator Miller offered the following resolution:

Senate Resolution No. 102.

A resolution to urge the Governor and the Attorney General to take strong actions against any individual or business involved in gas price gouging.

Whereas, The terrible tragedy of the terrorist attack on our country has apparently been compounded by individuals whose reaction to the nation's crisis was greed. There are isolated reports of some gas stations dramatically raising prices within hours of the gruesome events. At least one metropolitan Detroit station spiked prices to \$5 per gallon. Others raised prices to more than \$2. On a day when people were already emotionally wrought, the drive home for many took them by gas lines reminiscent of the worst days of the gas shortages of the 1970s, even though there was—and is—no shortage of gasoline supplies; and

Whereas, Apart from the price gouging itself, the actions of unscrupulous service station owners were harmful in the psychological impact the actions could have had in contributing to mass panic. Creating scenes that shock passersby also could well have triggered crimes and all manner of chaos and injuries; and

Whereas, Preying on the fears of people is most disturbing, especially at a time when our country needed unity and order to cope with the horrors and uncertainty created by the nightmare of carnage and destruction in New York, Washington, and Pennsylvania; now, therefore, be it

Resolved by the Senate, That we urge the Governor and the Attorney General to take strong actions against any individual or business involved in gas price gouging; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and to the Attorney General.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Emmons moved that the rule be suspended.

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

The resolution was adopted.

Senator DeBeaussaert was named co-sponsor of the resolution.

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

The motion prevailed.

Senator Miller's statement is as follows:

I thank the body, and I thank the leadership for moving on Senate Resolution No. 102. One of the things that really left me visibly shaken last week after the horrible tragedy in New York was to see some of our residents on their way home from work or traveling faced with these gouging service stations that raised gas prices up to \$5.00 a gallon. I was totally shocked and embarrassed by a station in my own Senate district. Most of the service stations I visited that evening on September 11 held the line and did not raise prices to pad their pocketbook, but there were some of the service stations that I strongly feel gouged constituents and residents of Michigan.

The very next day I sent off communications to the Attorney General and the Governor's office that our residents do not need to be gouged in a time of national crisis. I welcome the quick response of the body here in urging that the Attorney General and the Governor take action under the consumer protection laws of this state and that we go after these stations. Furthermore, I am sending letters to the oil companies for this station in my district urging that they do away with this particular person's franchise. We do not need those types of businesses in Michigan, who in a time of crisis try and fatten their pocketbooks, and do this to our constituents and the people of Michigan.

I thank the body for its quick action. I would hope that the members here would sign on to Senate Resolution No. 102 and that the Governor and the Attorney General take swift, hard action on business people attacking our constituents here in Michigan.

Senate Concurrent Resolution No. 29.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 59, p. 1539.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Young introduced

Senate Bill No. 621, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32704a.

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

Senator Young introduced

Senate Bill No. 622, entitled

A bill to create the Michigan job training corps; to prescribe the powers and duties of a certain department; and to establish a fund and provide for the administration of that fund; and to make an appropriation.

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

Senator Young introduced

Senate Bill No. 623, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 139.

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

Senator Young introduced

Senate Bill No. 624, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32701 (MCL 324.32701), as amended by 1996 PA 434, and by adding section 32704a.

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

Senator Young introduced

Senate Bill No. 625, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 510a.

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

Senator Hammerstrom introduced

Senate Bill No. 626, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43536b.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Hammerstrom introduced

Senate Bill No. 627, entitled

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684), as amended by 1998 PA 137.

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

Senator Hammerstrom introduced

Senate Bill No. 628, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180. The bill was read a first and second time by title and referred to the Committee on Education.

Senator Bullard introduced

Senate Bill No. 629, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704), by adding section 418a.

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

Senator Bullard introduced

Senate Bill No. 630, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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

Senator Young introduced

Senate Bill No. 631, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8901 (MCL 324.8901) and by adding section 8902a.

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

Senator Young introduced

Senate Bill No. 632, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

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

Senator Young introduced

Senate Bill No. 633, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4w.

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

Senator Young introduced

Senate Bill No. 634, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.

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

Senator Young introduced

Senate Bill No. 635, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 270.

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

Senator Young introduced

Senate Bill No. 636, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up

and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

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

Senator Young introduced

Senate Bill No. 637, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11521a and part 170; and to repeal acts and parts of acts.

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

Senator Shugars introduced

Senate Bill No. 638, entitled

A bill to amend 1996 PA 480, entitled "An act to make appropriations for the judicial branch for the fiscal year ending September 30, 1997; to make appropriations to various state departments for the fiscal year ending September 30, 1997; to make appropriations for a capital outlay program for fiscal years ending September 30, 1997; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies, universities, and community colleges; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for certain advances from the general fund; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the acquisition of land and the development of public recreation facilities; to provide for the powers and duties of certain state agencies, employees, and officials; and to provide for the expenditure of the appropriations," by amending section 1813.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator Bullard introduced

Senate Bill No. 639, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 8142 (MCL 500.8142), as amended by 1998 PA 279.

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

Senator Bullard introduced

Senate Bill No. 640, entitled

A bill to amend 1939 PA 73, entitled "An act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs," by amending section 1 (MCL 287.351), as amended by 1988 PA 142.

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

House Bill No. 4791, entitled

A bill to amend 1976 PA 295, entitled "State transportation preservation act of 1976," (MCL 474.51 to 474.70) by amending the title, as amended by 1984 PA 210, and by adding section 17a.

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

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

House Bill No. 4868, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending sections 5i and 35a (MCL 117.5i and 117.35a), section 5i as added by 1994 PA 431.

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4872, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending section 5 (MCL 120.105).

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

House Bill No. 4873, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 916 (MCL 436.1916).

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

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Recess

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

The motion prevailed, the time being 10:35 a.m.

10:46 a.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

Senate Bill No. 371

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 371, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by repealing section 274 (MCL 206.274).

The question being on the passage of the bill,

Senator Smith offered the following substitute:

Substitute (S-2).

The question being on the adoption of the substitute,

Senator Smith 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. 301**Yeas—11**

Byrum
Cherry
DeBeaussaert

Dingell
Emerson
Koivisto

Leland
Murphy
Scott

Smith
Young

Nays—22

Bennett
DeGrow
Dunaskiss
Emmons
Garcia
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Peters
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—2

Bullard

Vaughn

Not Voting—2

Hart

Miller

In The Chair: Hoffman

Recess

Senator Emmons moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 11:07 a.m.

11:15 a.m.

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

Senator Schwarz offered the following substitute:
Substitute (S-5).

The question being on the adoption of the substitute,

Senator Gougeon offered the following amendments to the substitute:

1. Amend page 2, line 26, by striking out "1,460,946" and inserting "2,238,728".
2. Amend page 3, line 1, by striking out "1,425,064" and inserting "2,135,188".
3. Amend page 3, line 2, by striking out "902,813" and inserting "982,078".
4. Amend page 3, line 3, by striking out "974,770" and inserting "1,667,241".
5. Amend page 3, line 4, by striking out "232,021" and inserting "320,065".
6. Amend page 3, line 5, by striking out "5,299,163" and inserting "4,544,141".
7. Amend page 3, line 6, by striking out "898,280" and inserting "703,590".
8. Amend page 3, line 7, by striking out "845,779" and inserting "821,527".
9. Amend page 3, line 8, by striking out "850,313" and inserting "1,308,247".
10. Amend page 3, line 9, by striking out "444,628" and inserting "724,897".

11. Amend page 3, line 10, by striking out "5,910,265" and inserting "4,276,825".
12. Amend page 3, line 11, by striking out "455,034" and inserting "664,892".
13. Amend page 3, line 12, by striking out "391,370" and inserting "581,622".
14. Amend page 3, line 13, by striking out "4,124,506" and inserting "2,659,800".
15. Amend page 3, line 14, by striking out "2,043,632" and inserting "2,629,740".

The amendments to the substitute were not adopted.

Senator Sikkema requested the yeas and nays.

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

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

Roll Call No. 302**Yeas—17**

Bennett	Gougeon	North	Sikkema
DeBeaussaert	Johnson	Peters	Steil
DeGrow	Koivisto	Schuette	Stille
Emmons	McCotter	Shugars	Van Regenmorter
Goschka			

Nays—18

Byrum	Garcia	Leland	Schwarz
Cherry	Gast	McManus	Scott
Dingell	Hammerstrom	Miller	Smith
Dunaskiss	Hart	Murphy	Young
Emerson	Hoffman		

Excused—2

Bullard	Vaughn
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Not Voting—0

In The Chair: Hoffman

The question being on the adoption of the substitute,

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

Senator Schuette requested the yeas and nays.

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

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

Roll Call No. 303**Yeas—21**

Byrum	Emmons	Leland	Scott
Cherry	Garcia	McManus	Smith
DeGrow	Gast	Murphy	Steil
Dingell	Hart	North	Stille
Dunaskiss	Hoffman	Schwarz	Young
Emerson			

Nays—14

Bennett
DeBeaussaert
Goschka
Gougeon

Hammerstrom
Johnson
Koivisto
McCotter

Miller
Peters
Schuette

Shugars
Sikkema
Van Regenmorter

Excused—2

Bullard

Vaughn

Not Voting—0

In The Chair: Hoffman

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. 304**Yeas—21**

Byrum
Cherry
DeGrow
Dingell
Dunaskiss
Emerson

Emmons
Garcia
Gast
Hart
Hoffman

Leland
McManus
Murphy
North
Schwarz

Scott
Smith
Steil
Stille
Young

Nays—14

Bennett
DeBeaussaert
Goschka
Gougeon

Hammerstrom
Johnson
Koivisto
McCotter

Miller
Peters
Schuette

Shugars
Sikkema
Van Regenmorter

Excused—2

Bullard

Vaughn

Not Voting—0

In The Chair: Hoffman

Senator Schwarz offered to amend the title to read as follows:

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 274 (MCL 206.274), as amended by 1997 PA 82; and to repeal acts and parts of acts.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Protests

Senators Sikkema, Shugars, Smith, Johnson, Schuette, Bennett, McCotter, Hammerstrom and Goschka, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 371.

Senators Sikkema, Smith and Schuette moved that the statements they made during the discussion of the substitutes and bill be printed as their reasons for voting “no.”

The motion prevailed.

Senator Sikkema’s first statement, in which Senators Shugars, Johnson, Bennett and McCotter concurred, is as follows:

I rise to support the Gougeon amendment. What we are talking about here is, in essence, a special appropriation. It’s \$32 million that is involved in the tuition tax credit, and this amendment in an admittedly small way, but I think an important way, corrects one of the great injustices of the current funding formula for higher education. That is, the funding is horribly inequitable. Not only that, but promises made three years ago to several universities to have them at a floor of funding have not been kept, even in good economic times.

What we are saying if we don’t adopt this amendment is “You students of Central Michigan, you’re not worth as much as the other students in Michigan. You students of Eastern Michigan, you’re not worth as much. You students of Ferris, Grand Valley, Lake Superior State College, Oakland University, Saginaw Valley State University, U of M-Dearborn, U of M-Flint, and Western, (nine of our four-year colleges) you students, you’re not worth as much as MSU, U of M-Ann Arbor, Wayne State, Michigan Tech, and Northern Michigan University. So the students at nine universities, as opposed to five, are finally going to be treated with some form of equity.

Let me close by saying this: We spend hundreds of millions, over a billion dollars, in the budget for higher education. All we’re saying is one little tiny piece of our higher education budget, \$32 million—one tiny little piece—should be distributed on a per student basis to the advantage of students in nine out of our 15 four-year public universities. I would hope that we would adopt this amendment and then send this bill on to the House.

Senator Sikkema’s second statement, in which Senators Shugars, Johnson, Bennett and McCotter concurred, is as follows:

I rise to respond to some of the points raised by the Senator from the 38th District, who represents the Upper Peninsula. He is exactly right. We ought to be treating this budget the same way we treat K-12, no difference. What we did in the K-12 budget with Proposal A and subsequent budgets for K-12 is we said those districts that are at the low end—the \$2,000, \$2,500, \$3,000 per student—is absolutely unfair. We’re not going to accept it. We’re going to bring everyone to a minimum level of funding and we have. I don’t recall exactly what it is, but I think it’s about \$6,500 now this year and next year for every single child in the state in our K-12 system. Everybody. We need to do exactly the same thing for our higher ed budget. No difference. What’s good for the goose is good for the gander. But we haven’t done that. That’s exactly the point. And this amendment doesn’t even do that across the board in the entire higher ed budget. It just takes an infinitesimal little piece—\$32 million—and said let’s at least do that with this little tiny piece. And, frankly, I think it’s outrageous that one of the largest institutions of higher ed in this state would say to its students, “If I don’t get my full \$5 million and I’m only gonna get a piece of that, I’m not gonna cut your tuition.” This Senate shouldn’t stand for that kind of blackmail.

Senator Shugars’ statement, in which Senators Johnson, Bennett and McCotter concurred, is as follows:

Times are changing, and this may be the beginning of a policy and change from a decade of tax cuts to a decade of tax cut repeals. This may be the slippery slope of repealing future tax cuts that would have been voted on in the past.

Also, another concern I had is that by giving the appropriations of this tax credit, by repealing the tax credit to the universities, many out-of-state students—some foreign students—may be able to get the benefit rather than our in-state students.

This money normally lapses in the General Fund and could be appropriated from the General Fund rather than repealing a tax cut that we have previously done.

I’d much rather have us amend the tax credit and eliminate the inflationary portion of it, so everybody who goes to Michigan universities qualify for the tax credit, rather than give the money through the appropriations process.

Senator Smith’s first statement is as follows:

I, too, support the repeal of the tuition tax credit and have voted in the Appropriations Committee to support Senate Bill No. 371, which would have done a direct repeal. But the substitute that I have before you does some adjustments on how we do that repeal, so that the \$32.7 million the Senate Fiscal Agency calculates the tuition tax credit value to be would be appropriated as a threshold to the university budgets every year.

So instead of what the (S-5) that we will be looking at a little bit later will do, which is appropriate the \$32.7 million—80 percent to the higher education budget and 20 percent to community colleges—to the operating funds and

then subject those dollars to an executive cut in a future proposed budget of 5 percent or more, my proposal guarantees that the universities will minimally see \$32.7 million each year into their budgets.

Let me see if I can do this using \$100. Let's say the value of the tuition tax credit to each of the institutions is \$100, and we put it in their operating budget. And then in February 2002, the Governor proposes a 5 percent across-the-board cut for the institution. That gives that tuition tax credit money a value of \$95. Then let's say in 2003 because we know we had economic problems with our budget for 2003 prior to the slow down, we're looking at another executive cut of 5 percent, reducing the value of those tuition tax credit dollars to \$90.25. So, incrementally, losing the value of the tuition tax credit to the institutions as we look at reductions to the budget appropriation, my substitute protects the institutions from a reduction in the value of the tuition tax credit, assuring that they will receive at the university level 80 percent of \$32.7 million minimally. It is a better way of assuring needed resources to the institutions.

What I like about the (S-5) that we will be looking at is the provision that it is the intent of the Legislature that any new dollars that are put into the budget serve to reduce the tuition increases that were enacted at the different institutions in this current year. I would suggest that we send a combination of the two substitutes to the House for consideration: one that guarantees to the institutions minimally \$32.7 million to be appropriated among universities and community colleges each year and the intent language that says that we're not real happy with what you've done with tuition rates, and we are putting this additional revenue into your budgets in order to see a reduction in those rates to the students.

I think the substitute is sound. It protects the appropriation to the institutions, and it protects that extra value that they would realize through the tuition tax credit revenue. It assures that it is appropriated to the institutions each year, and it is a much sounder way of making sure that the institutions receive full value and translates to the students receiving full value of what would have been their tuition tax credit. A tuition tax credit will not see any reduction. It is taken out up front before we begin the appropriations process.

So in repealing without doing it with my substitute, we are essentially saying that the value of a tuition tax credit that the students would otherwise receive is going to be reduced on an annual basis. I encourage my colleagues to support the Smith substitute because it does protect the institutions, and it does provide them with more working dollars to protect the students from tuition increases. I urge my colleagues to vote "yes" on the substitute.

Senator Smith's second statement is as follows:

I'd like to comment on a couple of issues that were raised from the other side of the aisle.

The first one from Senator Schwarz, in a discussion that his substitute in his understanding is the only iteration of the bill that the Governor will sign. "So let's hurry up and do it today and send it over to the House, and then whatever they send back to us will go to conference committee." What is the value of that process if we have a dictate from the administration that it looks like this or it doesn't go through? That essentially means that any action on the House's part that says, "We have exceptions to what the Senate has done, and we want it to look different;" then a conference committee comes out and says, "Well, we think it ought to look different from the version that was passed by the Senate, and we've got the ax from the executive office hanging over our heads." I think our responsibility as a Legislature is to do the absolute best for the institutions that we can. I believe my substitute does that.

To the argument from my esteemed colleague, the chair of the Appropriations Committee, that we shouldn't be projecting well into the future. I would like to remind this body that a few years ago we adopted a five-year reduction of a half percent in the income tax. It would be rolled in over a period of five years. Then we decided to accelerate it. That in the face of argument from the Department of Management and Budget and our own fiscal agency said we were coming up on exceptionally difficult budgets in the years 2002 and 2003. That information came before an economic slowdown, and yet we did a five-year roll-in of a tax cut that removed \$1.2 billion from our revenue stream, here in the state of Michigan. If there is a danger in far thinking, in protecting the institutions and its students from heavy losses of revenue that means continual increases in their tuition, then there is a danger in continuing the roll-out of that tax credit as well.

We need to do today what will protect the interests of the students and the universities. This tuition tax credit money is already dedicated by law to the students and the tuition payers in the state of Michigan who qualify for the tax credit. Their value in that credit will not be diminished if this repeal does not happen. Sure they may not see it because their institutions won't qualify them for the money. But to put these dollars into the operating budget and then subject that value to an additional 5 or 10 percent reduction next year, and who knows what in 2003, is like giving people a pig in a poke. I think we need to adopt this substitute and send it to the House. Let them work on what they want to do and have an open process here in the Michigan Legislature. Let the Governor of the state of Michigan do what he thinks he has to do with the material we send him.

Senator Smith's third statement is as follows:

This is a very difficult amendment, and I may be the only Senator here who has two universities in the district. One of my universities is a winner and one is a loser. But the question is are we really doing an equitable piece of work here when we do a per-pupil appropriation of the tuition tax credit?

When I first looked at the amendment as introduced (S-5), I thought maybe this was done on a per-pupil basis, but I realize it's done on essentially 1 1/2 percent across the board. I wish I could argue with you that the base funding on which this 1 1/2 percent across the board was done is fair, but I know there is a tremendous amount of political influence in which institutions are winners and losers from year to year. It often depends on who is the Speaker of the House, who are the chairs of the appropriations subcommittees, and who has a tremendous interest from the Governor's office in what institution receives a higher appropriation than other institutions.

But 1 1/2 percent to each of the institutions of \$32.7 million in a year in which we are in crisis is a benefit to all of them. They all receive additional dollars, and they all receive it based on their current appropriation. I think given the gives and takes of the political process, this is probably the most equitable way to distribute the \$32.7 million. (Oh, by the way, and the universities only get 80 percent of that.) So I think as we look at this issue, we need to look at the impact that a per-pupil cut has on the different institutions. The University of Michigan can no doubt absorb the loss of revenue, I don't believe Wayne State University can.

I think that we need to look at the students the different institutions educate. In the case of Wayne State University, they educate minority and a lower-income population that is drawn from primarily the Wayne County area. To make it more difficult for those students to afford their education closes the door for a number of them who would otherwise attend.

So I think as we look at the opportunity here to distribute a pitiful \$32 or \$33 million out of a \$1.8 billion budget, it isn't important for us to necessarily go through and say each student is worth this amount of money. It is important for us to look at the value of the education delivered by the institutions and to pretend that the basis on which the 1 1/2 percent is as at least as fair as the wisdom and the political might that these legislative bodies make it.

I urge my colleagues to reject the Gougeon amendment.

Senator Smith's fourth statement is as follows:

I'm up here to support the Schwarz substitute even though we rejected one that was much more effective in funding the institutions. But I know when I've lost, and I think this is better than nothing.

When we look at the underlying question of the validity of the tuition tax credit in the beginning when it was introduced and adopted in 1995, we looked at institutions that had a willingness or an ability to keep their tuition rates below the rate of inflation. We had several institutions that qualified their students for the tuition tax credit for each of five years, afforded only by some manipulation of the language in the appropriation bills in the latter two of the five years that allowed that rate to float up above the rate of increase and inflation.

But now we have those institutions, in primarily Michigan State University, coming back to the Appropriations Committee and saying, "Well, we held our tuition rates down, we've lost revenue, and we can't afford to pay our faculty so that we are competitive with other institutions. And we are beginning to see our faculty members leave and go to other institutions that didn't hold their tuition rates down and qualify their students for the tuition tax credits because they realized that paying faculty and staff was one of the things that kept the quality program in place." So they're back asking for additional money over what we would have normally considered as an appropriation rate for them.

So what's the value of that pledge to hold your rates down? It's a political manipulation that has not served us well, and it's time for it to be gone. Whether we like the particular mechanism that takes it away is a give or a take, but the bottom line is the tuition tax credit didn't have good public policy validity, and it needs to be repealed. So I urge you to vote for the Schwarz substitute.

Senator Schuette's statement, in which Senators Bennett, McCotter, Hammerstrom and Goschka concurred, is as follows:

On this issue, I think it needs to be very clear for everyone about the importance of funding for higher education—our universities and community colleges—throughout the state of Michigan.

I serve on the board of trustees of an institution of higher education, a college, and I'm well aware of the constraints that colleges and universities face today with energy costs and a variety of different things. I have relationships with the public universities across the state in a variety of different ways, so I'm very sensitive and have some knowledge of the constraints and the problems on funding and money and all of that.

So I believe our institutions of higher education—our colleges, our universities and community colleges—ought to have an infusion of more money. I'm in support of more money for higher education.

Now we can do that by putting in the money right now in the base. We're talking about \$32 million. Let's put that in the base right now, or if we want, we're clever enough to do a lot of different things in this place—we could give back a rebate to Michigan students of all this money if we wanted to. None of this needs to be done by sacrificing the tuition tax credit. We can give money back into the base. We can give a rebate to Michigan students, but we don't need to eliminate a tax break, a tax cut, or a tax credit for Michigan families.

The tuition tax credit on a real economic basis is not costing the budget of the state of Michigan much, if at all. It's not a cash drain on the coffers of the state of Michigan. I mean, if you look at what someone from Oakland County

Community College would receive back, it's about a \$4 rebate. It reminds me of that old 2 bits, 4 bits, 6 bits, a dollar—you multiply that by 8, and you have about 32 bits. I don't think that's enough.

I've looked at the substitute, and it's the first time I've seen it. It's fresh off the copier. I may be wrong here, but as I read the language, this rebate would go to all students of higher education and community colleges. Look, quite frankly, I don't think we should be subsidizing out-of-state students with a Michigan cash rebate. I'd hate to hear the Ohio State fight song flowing from the Ohio border with people who usually say, "Go, Boilers!" saying, "Thank you, Michigan!" for sending Michigan money to Ohio.

I guess the point here is—and let there be no misunderstanding on my point of view on funding for higher education—our colleges and our universities, if we want to increase the base, let's do it today—do it now—with this \$32 million. If we want to give a rebate to Michigan students, let's do it today—now. What we should not do is take away a tax credit, a tax break, a tax cut to Michigan families. We ought to keep the tuition tax credit in place, and if we want to increase more money for education, we should do that and do it today.

By unanimous consent the Senate proceeded to the order of
Statements

Senators Cherry, Johnson, Gougeon and Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Cherry's statement is as follows:

I rise because at the end of last week I happened to be going up North to the chamber event, their seminar in Traverse City. As I was going, and listening to the radio, I heard an ad that had been recorded by our Lieutenant Governor in regards to a domestic violence task force. It was one of those ads paid for by the state government. I know a colleague of mine heard the same ad today. I also noted, as I got into the office, that the good Lieutenant Governor has formed a campaign committee and announced that. Now that he's formally gone to that step, it's appropriate for him to cease and desist from using state tax dollars to advertise himself and to promote his candidacy.

Ultimately, that's what this is all about. It's an issue that I really haven't taken up until today because he's made some formal steps to put his campaign forward. Now that he's done that, it's appropriate for him to back off and cease using state taxpayer dollars to campaign with. Not only does that strike me as inappropriate, but if you begin to look at the polls, it's obviously a waste of taxpayers' dollars as well because it hasn't had any impact. So I think there is even more reason for him not to do that.

When you look at the kind of budget cuts this state faces, whether we talk about budgets we dealt with last spring or budgets we are going to deal with this fall or discussions about what might happen in 2003, we see these kinds of expenditure cutbacks coming forward, and there really is no excuse to be using state tax dollars for political purposes. That really is what this is about. It's putting politics above the needs of the state and its citizens, and it's time for it to come to an end.

There's also a real irony here that we're being visited this week by the Attorney General of the state of Missouri. What seems to concern the Attorney General from Missouri is that the state has not spent any of its tobacco settlement on education, particularly as it relates to young people not beginning the act of smoking. It seems strange that we are willing to spend all of these tax dollars educating people on a variety of things, but yet where there's an expectation that we should be educating people, there is no paid advertisement. Not only is what is occurring inappropriate, but there's an irony about its selective use.

I would suggest that those who are seeking office this year ought to refrain from using these kinds of tax dollars for either broadcast radio or broadcast television. It's time, when you form a committee, to begin to spend your own campaign funds. It's obviously an issue that I'm going to continue to pay attention to because I don't want to see this become a flagrant abuse.

Senator Johnson's statement is as follows:

I rise in response to some of the comments that were made by the Minority Leader with regard to the Lieutenant Governor's Task Force on Domestic Violence.

Domestic violence isn't a political issue, sir, and I'll have you know that the Lieutenant Governor and that task force have been working for darn near two years. I've been a part of that task force. I have legislation as well as Senator Hammerstrom along with many others in this body. For you to select that as a political issue is ill-advised.

Senator Gougeon's statement is as follows:

I want to just take a moment here—I know we've paused earlier about the disastrous events that occurred this past week in the United States—and note from an economic point of view the fact that the market dove down some 680 points the other day. Yesterday it was down 100 points, and today it's down nearly 300 points. I'm just wondering and

hoping that we can all, as Republicans and Democrats without bickering, pull together in the unified leadership of this state and that our congressional delegation will pull together, unified along with other states in this nation, to overcome America's difficulties right now.

As a matter of fact, Mr. President, I can't think of a more patriotic thing we could do right now rather than pulling in our horns, rather than doing nothing—watching America shrivel, watching unemployment rolls go up, and so forth—is go out and, quite frankly, spend some money. And I would urge all who listen to this, all who believe in America, to make a big ticket purchase item. Go out to your car dealer and if you have to go in debt, by God, buy a car. Buy a new refrigerator. Go to your Sears store, go to all the stores around town, and rather than sit home and do nothing and wring our hands over this issue let's get back and get America moving again. So buy American and buy now.

Senator Smith's statement is as follows:

In the discussion about the use of taxpayer dollars to essentially support the voice of a candidate for governor in the state of Michigan, as a candidate, I take exception. The issue isn't whether it's about domestic violence. The issue is that it's using taxpayer dollars to allow a candidate to promote himself to the citizens of the state of Michigan.

I have no objection whatsoever about spending taxpayer dollars for advertising that will reduce domestic violence. However, advertising research shows that there are far more effective ways than a talking voice and a talking head to communicate those issues and the importance of those issues to people. We ought to use the advertising expertise of individuals to maximize the cost effectiveness of our spending on commercials, and it would not put any candidate for office or any other single voice before the public as the sales person for a concept or an idea or a policy. So I think as we spend taxpayer dollars, we ought to be insisting on cost effectiveness, and that means taking the individual voice off the air and putting those mechanisms and techniques forward that actually work.

Protests

Pursuant to rule 3.506, Senator Byrum submitted her reasons in writing for voting "no" on the passage of Senate Bill No. 546 on June 26.

Senator Byrum's statement is as follows:

I rise to oppose the passage of Senate Bill 546.

After this legislation, which redraws congressional districts in accordance with the results of the 2000 census, was enrolled and reviewed, it was discovered that it suffered from some substantial shortcomings.

The key shortcoming was the failure to assign several census tracts in Washtenaw County to any congressional district. In this situation, the correct method to remedy this problem would be either to vacate the enrollment of the bill and amend it on the floor of the House and the Senate, or to immediately introduce a new bill that assigns these missing census tracts to their correct congressional district. Instead, the Secretary of the Senate has chosen to correct these problems unilaterally through the use of Joint Rule 12. Joint Rule 12 contemplates situations where there has been an obvious technical error in a piece of legislation, "including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms."

The problems with Senate Bill 546 are far more serious than mere misspellings or citation format errors. The problems with this piece of legislation are too fundamental to allow the Secretary of the Senate to unilaterally declare what the law should be and to adjust the law according to her own personal views. By engaging in this act, the Secretary of the Senate is making law, a power that she does not possess under our Constitution. Article IV, section 1 of the Michigan Constitution of 1963 provides that "The legislative power of the State of Michigan is vested in a senate and a house of representatives." Furthermore, Article IV, section 22 provides that "All legislation shall be by bill and shall originate in either house." Instead, what has occurred here is that the Secretary of the Senate has acted beyond the scope of her power and has engaged in legislating in violation of the state Constitution.

For this reason, I oppose the passage of Senate Bill 546. I thank you for the consideration of my dissent.

Pursuant to rule 3.506, Senator DeBeaussaert submitted his reasons in writing for voting "no" on the passage of House Bill No. 4965 on July 12.

Senator DeBeaussaert's statement is as follows:

I rise to oppose the second conference report on House Bill 4965. I do this for the following reasons:

1. The process used in the enactment of this legislation not only resulted in the disenfranchisement of the public that must live with the political consequences of this redistricting plan, but also there is a mistake in the bill that could have been avoided if this legislation had followed the usual course of deliberation and study. Upon closer examination, it has been found that one of the census tracts for the 47th House district has been mistakenly assigned to the 66th House district. While I disagree with the main elements of this legislation for reasons I shall detail below, I feel that this

mistake could have been avoided if there was sufficient time to carefully review the legislation and double-check the pages and pages of tract numbers.

2. In view of the "rush to enact" that accompanied this legislation, it is completely premature for the majority party to assert that their plan is the best, most legal redistricting plan. I believe that we have all come to a keener understanding of the redistricting criteria used in this process. I am confident that given a reasonable length of time, new and improved districts could be devised that better accord with the requirements of the redistricting criteria. However, rather than waiting for this process to unfold, the majority party in this chamber has blindly asserted that their plan is the best that could possibly be devised and is not waiting around to see if they might be wrong.

I thank you for consideration of my dissent.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Family Independence Agency submits the following:
Meeting held on Thursday, June 28, 2001, at 10:00 a.m., Rooms 402 and 403, Capitol Building
Present: Senators Goschka (C), Gougeon and Murphy

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Higher Education (HB 4258) submits the following:
Meeting held on Thursday, July 12, 2001, at 3:30 p.m., Room 426, Capitol Building
Present: Senators Schwarz, McManus and Koivisto

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submits the following:
Meeting held on Tuesday, August 28, 2001, at 10:00 a.m., Charcoal Room, University Center, Northern Michigan University, Marquette
Present: Senators North (C), Smith and Hoffman

Scheduled Meetings

Appropriations - Wednesday, September 26, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Conference Committee -

Consumer and Industry Services (SB 233) - Thursday, September 20, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-7350)

Economic Development, International Trade and Regulatory Affairs - Tuesday, September 25, 1:00 p.m., Room 110, Farnum Building (373-7946)

Farming, Agribusiness and Food Systems - Wednesday, September 26, 1:00 p.m., Room 405, Capitol Building (373-1725)

Great Lakes Conservation Task Force - Thursday, September 20, 6:00 p.m., Buoy Restaurant, 530 West Third, Rogers City; Monday, October 1, 6:00 p.m., Monroe Community College, Administration Building, Dining Hall, 1555 Raisinville Road, Monroe; Tuesday, October 30, 6:00 p.m., City of Port Huron Municipal Office Center, 100 McMorrin Boulevard, Port Huron; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center; (Location information for the following meetings will be provided in a future notice): Monday, October 8, 6:00 p.m., Macomb; Thursday, October 18, 6:00 p.m., Marquette; Monday, November 5, 5:00 p.m., St. Joseph (373-0797)

Health Policy - Tuesday, September 25, 3:00 p.m., Room 100, Farnum Building (373-0793)

Senate Fiscal Agency Governing Board - Wednesday, September 26, 3:00 p.m., or later immediately following the Senate Appropriations meeting, Room S-324, Capitol Building (373-6960)

Transportation and Tourism - Tuesday, September 25, 3:00 p.m., Room 110, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 12:18 p.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Thursday, September 20, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

