

**No. 56**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Wednesday, June 19, 2002.

10:00 a.m.

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

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

Bennett—present  
Bullard—present  
Byrum—present  
Cherry—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

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

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

Dear God, as we pause this morning before the start of a busy day, grant us the wisdom and the guidance to do those things in the best interest of all the citizens of our state. In Your name we pray. Amen.

Senator Leland entered the Senate Chamber.

### **Motions and Communications**

Senator Emmons moved that Senators Bullard, DeGrow, Garcia, Goschka, Hammerstrom, Schuette, Schwarz and Sikkema be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators Byrum, Koivisto and Murphy be temporarily excused from today's session.

The motion prevailed.

Senator Emerson moved that Senators Smith and Vaughn be excused from today's session.

The motion prevailed.

Senator Emmons moved that rule 2.106 be suspended to allow the conference committees to meet during Senate session.

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

Senator Hammerstrom entered the Senate Chamber.

### **Messages from the Governor**

The following message from the Governor was received and read:

June 18, 2002

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

#### **Joint International Bridge Authority**

Mrs. Shannon B. Brower, 2575 North Shore Drive, Harbor Springs, Michigan 49740, county of Emmet, as a member representing Republicans, succeeding herself, for a term beginning on September 2, 2002 and expiring on September 1, 2006.

Sincerely,  
John Engler  
Governor

The appointment was referred to the Committee on Government Operations.

### **Messages from the House**

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

#### **Senate Bill No. 991**

The motion prevailed.

### **Recess**

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

The motion prevailed, the time being 10:05 a.m.

10:19 a.m.

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

During the recess, Senators Sikkema, DeGrow, Schuette, Byrum, Koivisto, Bullard, Goschka, Garcia, Schwarz, and Murphy entered the Senate Chamber.

Senator Emmons moved that consideration of the following bill be postponed temporarily:

**Senate Bill No. 1099**

The motion prevailed.

Senator Emmons moved that rule 3.202 be suspended to permit immediate consideration of the following bills:

**Senate Bill No. 1016**

**House Bill No. 4373**

**House Bill No. 5103**

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

**Senate Bill No. 1104, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The House of Representatives has appointed Reps. Mead, LaSata and Rich Brown as second conferees to join with Senators Bennett, Hoffman and Young.

The bill was referred to the second Conference Committee on June 18, 2002.

**Senate Bill No. 1016, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 33, 657, 658, 660, 661, and 662 (MCL 257.33, 257.657, 257.658, 257.660, 257.661, and 257.662), section 33 as amended by 1997 PA 56, sections 657 and 660 as amended by 2000 PA 82, section 658 as amended by 1984 PA 328, and section 662 as amended by 2000 PA 131, and by adding section 13c.

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

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

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

**Roll Call No. 768**

**Yeas—25**

Bennett	Emmons	Johnson	Schuette
Bullard	Garcia	Leland	Schwarz
Cherry	Gougeon	McCotter	Scott
DeGrow	Hammerstrom	Murphy	Sikkema
Dingell	Hart	Peters	Steil
Dunaskiss	Hoffman	Sanborn	Young
Emerson			

**Nays—11**

Byrum	Goschka	Miller	Stille
DeBeaussaert	Koivisto	North	Van Regenmorter
Gast	McManus	Shugars	

**Excused—2**

Smith	Vaughn
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**Not Voting—0**

In The Chair: Hoffman

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was not concurred in, 2/3 of the members serving not voting therefor. The Senate agreed to the full title. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

### Conference Reports

Senator Emmons moved that consideration of the following joint resolution be postponed for today:  
**Senate Joint Resolution D**  
The motion prevailed.

### Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:27 a.m.

10:33 a.m.

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

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Hoffman, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

**House Bill No. 5457, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 5 (MCL 460.805).

**House Bill No. 5458, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 44 (MCL 460.844).

**House Bill No. 5459, entitled**

A bill to amend 1976 PA 448, entitled "Michigan energy employment act of 1976," by amending section 40 (MCL 460.840).

**House Bill No. 4414, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 859, 1053, and 1059 (MCL 380.859, 380.1053, and 380.1059), section 1053 as amended by 1993 PA 9 and section 1059 as amended by 1992 PA 263.

**House Bill No. 4990, entitled**

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

The bills were placed on the order of Third Reading of Bills.

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

**House Bill No. 5637, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 85.

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

1. Amend page 1, line 3, after "WAR" by inserting "VETERANS".

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

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

**House Bill No. 4080, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540e (MCL 750.540e), as amended by 1988 PA 395.

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

1. Amend page 1, line 2, after "a" by striking out "communications" and inserting "TELECOMMUNICATIONS SERVICE".
2. Amend page 1, line 8, after "a" by striking out "telephone".
3. Amend page 1, line 8, after "MESSAGE" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
4. Amend page 1, line 9, after "by" by striking out the balance of the line through "telegraph" on line 10.
5. Amend page 1, line 10, after "message" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
6. Amend page 2, line 4, after the first "a" by striking out the balance of the line through "phone" on line 5 and inserting "TELECOMMUNICATIONS DEVICE AND ANOTHER TELECOMMUNICATIONS DEVICE OR BETWEEN A TELECOMMUNICATIONS DEVICE".
7. Amend page 2, line 6, after "sages" by striking out "by telephone" and inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
8. Amend page 2, line 10, by striking out "telephone".
9. Amend page 2, line 10, after "MESSAGE" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
10. Amend page 2, line 20, after "Deliberately" by striking out "calling a telephone" and inserting "ENGAGING OR CAUSING TO ENGAGE THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".
11. Amend page 2, line 21, after "in" by striking out "telephone" and inserting "TELECOMMUNICATIONS".
12. Amend page 2, line 22, after "her" by striking out the balance of the line through "service" on line 23 and inserting "TELECOMMUNICATIONS SERVICE OR DEVICE".
13. Amend page 3, following line 2, by inserting:

"(3) AS USED IN THIS SECTION, "TELECOMMUNICATIONS", "TELECOMMUNICATIONS SERVICE", AND "TELECOMMUNICATIONS DEVICE" MEAN THOSE TERMS AS DEFINED IN SECTION 540C."

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

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

**House Bill No. 4991, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1303 (MCL 380.1303), as amended by 1995 PA 289.

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

1. Amend page 1, line 2, after "district" by inserting "OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY".

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

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

**House Bill No. 6066, entitled**

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending sections 2 and 21 (MCL 399.702 and 399.721) and by adding sections 7 and 22.

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

1. Amend page 2, line 8, after "INTO" by striking out "AN AGREEMENT" and inserting "COOPERATIVE AGREEMENTS, CONTRACTS, OR OTHER AGREEMENTS".

2. Amend page 2, line 9, after “ENTITIES” by inserting “TO USE THE PERSONNEL, SERVICES, OR FACILITIES OF THE ENTITY”.

3. Amend page 2, line 9, after “TO” by striking out “CARRY” and inserting “ASSIST WITH CARRYING”.

4. Amend page 2, line 9, after “THE” by striking out “POWERS,”.

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Emmons moved that a respectful message be sent to the House of Representatives requesting the return of the following bill:

**House Bill No. 5468**

The motion prevailed.

By unanimous consent the Senate returned to the order of

**Messages from the House**

Senator Emmons moved to reconsider the vote by which consideration of the following bill was postponed for today:

**Senate Bill No. 991**

The motion prevailed.

The question being on the motion to postpone consideration of the bill for today,

Senator Emmons withdrew the motion.

By unanimous consent the Senate proceeded to consideration of the following bill:

**Senate Bill No. 991, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2103, 2111, 2117, 2118, 2121, 2930, and 2930a (MCL 500.2103, 500.2111, 500.2117, 500.2118, 500.2121, 500.2930, and 500.2930a), section 2103 as amended by 2001 PA 147, section 2111 as amended by 1996 PA 98, section 2117 as amended by 2001 PA 25, section 2118 as amended by 1988 PA 43, section 2121 as amended by 1998 PA 26, and section 2930a as amended by 1980 PA 461.

(This bill was announced on May 23, amendments offered to the House substitute and consideration postponed. See Senate Journal No. 48, p. 1378.)

The question being on the adoption of the amendments offered by Senator Peters,

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

Senator Peters 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. 769**

**Yeas—14**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Goschka  
Hoffman  
Koivisto

Leland  
Miller  
Murphy

Peters  
Scott  
Young

**Nays—21**

Bennett  
Bullard  
DeGrow  
Dunaskiss

Gast  
Gougeon  
Hammerstrom  
Johnson

McManus  
North  
Sanborn  
Schuette

Shugars  
Sikkema  
Steil  
Stille

Emmons  
Garcia

McCotter

Schwarz

Van Regenmorter

**Excused—2**

Smith

Vaughn

**Not Voting—1**

Hart

In The Chair: Schwarz

Senator Peters offered the following amendment:

1. Amend page 13, line 15, after “chapter.” by inserting “HOWEVER, AN INSURER SHALL NOT USE FACTORS BASED IN WHOLE OR IN PART UPON AN APPLICANT’S OR INSURED’S CREDIT HISTORY OR LACK OF CREDIT HISTORY.”.

The amendment to the substitute was not adopted.

Senator Emerson requested the yeas and nays.

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

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

**Roll Call No. 770****Yeas—16**Byrum  
Cherry  
DeBeaussaert  
DingellEmerson  
Goschka  
Hoffman  
KoivistoLeland  
McCotter  
Miller  
MurphyNorth  
Peters  
Scott  
Young**Nays—19**Bennett  
Bullard  
DeGrow  
Dunaskiss  
EmmonsGarcia  
Gast  
Gougeon  
Hammerstrom  
JohnsonMcManus  
Sanborn  
Schuette  
Schwarz  
ShugarsSikkema  
Steil  
Stille  
Van Regenmorter**Excused—2**

Smith

Vaughn

**Not Voting—1**

Hart

In The Chair: Schwarz

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

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

**Roll Call No. 771****Yeas—23**

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

**Nays—13**

Byrum	Emerson	Leland	Peters
Cherry	Hart	Miller	Scott
DeBeaussaert	Koivisto	Murphy	Young
Dingell			

**Excused—2**

Smith	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was not concurred in, 2/3 of the members serving not voting therefor.

Senator Emmons requested the yeas and nays.

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

The recommendation was not concurred in, 2/3 of the members serving not voting therefor, as follows:

**Roll Call No. 772****Yeas—25**

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

**Nays—8**

Byrum	Dingell	Murphy	Scott
DeBeaussaert	Leland	Peters	Young

**Excused—2**

Smith	Vaughn
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**Not Voting—3**

Emerson

Hart

Miller

In The Chair: Schwarz

The Senate agreed to the full title.

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

**House Bill No. 5103, entitled**

A bill to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16261, 16323, 16608, and 20161 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16261, 333.16323, 333.16608, and 333.20161), section 16106 as amended by 1997 PA 153, sections 16108 and 16186 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16608 as amended by 1990 PA 216, and section 20161 as amended by 2002 PA 303.

The House of Representatives has amended the Senate substitute (S-1) as follows:

1. Amend page 14, line 25, after “HOSPITALS” by striking out the balance of the line through line 27 and inserting “AT A RATE THAT GENERATES FUNDS NOT MORE THAN THE MAXIMUM ALLOWABLE UNDER THE FEDERAL MATCHING REQUIREMENTS, AFTER CONSIDERATION FOR THE AMOUNTS IN SUBSECTION (14)(A) AND (K).”.

2. Amend page 19, line 26, after “ASSURANCE” by inserting “DEDICATION IS AN EARMARKED”.

3. Amend page 20, line 20, after “ASSESSED.” by inserting “AS USED IN THIS SUBDIVISION, “MEDICARE NET REVENUE” INCLUDES MEDICARE PAYMENTS AND AMOUNTS COLLECTED FOR COINSURANCE AND DEDUCTIBLES.”.

4. Amend page 22, following line 9, subdivision (J), after “IS” by striking out the balance of the sentence and inserting “NOT ELIGIBLE FOR FEDERAL MATCHING FUNDS. ANY PORTION OF AN ASSESSMENT COLLECTED FROM A HOSPITAL THAT IS NOT ELIGIBLE FOR FEDERAL MATCHING FUNDS SHALL BE RETURNED TO THE HOSPITAL.”.

The House of Representatives has concurred in the Senate substitute (S-1) as amended and agreed to the title.

The question being on concurring in the House amendments made to the Senate substitute,

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

**Roll Call No. 773****Yeas—27**

Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Emerson

Emmons  
Garcia  
Gast  
Gougeon  
Hammerstrom  
Hoffman  
Koivisto

Leland  
McManus  
Miller  
Murphy  
North  
Peters  
Schwarz

Scott  
Sikkema  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—9**

Bennett  
Dunaskiss  
Goschka

Hart  
Johnson

McCotter  
Sanborn

Schuette  
Shugars

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Schwarz

By unanimous consent the Senate returned to the order of  
**Conference Reports**

Senator Emmons moved that joint rule 9 be suspended to permit immediate consideration of the conference report relative to the following bill:

**Senate Bill No. 1104**

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

Senator Bennett submitted the following:

**SECOND CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning

**Senate Bill No. 1104, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of environmental quality for the fiscal year ending September 30, 2003, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	1,590.7	

<b>GROSS APPROPRIATION .....</b>	<b>\$</b>	<b>404,819,600</b>
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Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers .....	<b>\$</b>	<b>14,042,900</b>
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<b>ADJUSTED GROSS APPROPRIATION .....</b>	<b>\$</b>	<b>390,778,700</b>
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	For Fiscal Year Ending Sept. 30, 2003
Federal revenues:	
Total federal revenues .....	\$ 131,521,400
Special revenue funds:	
Total local revenues .....	0
Total private revenues .....	435,700
Total other state restricted revenues .....	189,377,100
State general fund/general purpose .....	\$ 69,442,500
<b>FUND SOURCE SUMMARY:</b>	
<b>GROSS APPROPRIATION .....</b>	<b>\$ 404,819,600</b>
Interdepartmental grant revenues:	
IDG-MDCH, local public health operations .....	10,472,500
IDG-MDSP .....	632,200
IDG, Michigan transportation fund .....	884,800
IDT, interdivisional charges .....	2,053,400
Total interdepartmental grants and intradepartmental transfers .....	14,042,900
<b>ADJUSTED GROSS APPROPRIATION .....</b>	<b>\$ 390,776,700</b>
Federal revenues:	
DOC-NOAA, federal.....	3,063,500
DOD, federal .....	455,300
DOI, federal.....	457,800
EPA-GWDW .....	4,740,700
EPA-LUST trust.....	1,977,500
EPA-UST .....	238,000
EPA, federal.....	27,805,400
EPA, radon.....	323,500
EPA, superfund .....	7,057,800
Federal revenues .....	85,000,000
FEMA, federal .....	401,900
Total federal revenues .....	131,521,400
Special revenue funds:	
Private funds .....	435,700
Total private revenues .....	435,700
Aboveground storage tank fees .....	717,500
Air emissions fees.....	11,577,000
CESARS service fee .....	26,300
Clean Michigan initiative - administration.....	2,885,700
Clean Michigan initiative - clean water fund .....	3,020,000
Cleanup and redevelopment fund.....	12,700,000
Community pollution prevention fund.....	250,000
Drinking water revolving fund .....	6,059,500
Environmental education fund.....	184,500
Environmental pollution prevention fund .....	330,300
Environmental protection fund.....	15,542,700
Environmental response fund .....	17,933,900
Environmental training revenue .....	295,800
Fees and collections.....	818,700
Financial instruments.....	5,000,000
Great Lakes protection fund.....	2,151,100
Hazardous materials transportation permit fund.....	87,800
Land and water permit fees.....	3,111,300
Landfill maintenance trust fund .....	47,200
Metallic mining surveillance fee revenue .....	68,200
Michigan underground storage tank financial assurance fund .....	62,455,700
Mineral well regulatory fee revenue.....	215,300
Oil and gas regulatory fund .....	7,792,900
Orphan well fund .....	2,002,000

	For Fiscal Year Ending Sept. 30, 2003
Public utility assessments .....	\$ 786,100
Public water supply fees .....	4,451,000
Publication revenue.....	103,200
Saginaw Bay and River restoration revenue .....	154,500
Sand extraction fee revenue .....	188,300
Scrap tire regulatory fund .....	1,821,500
Septage waste license fees .....	1,752,400
Settlement funds .....	3,402,100
Sewage sludge land application fee.....	742,500
Soil erosion and sedimentation control training fund.....	101,300
Solid waste program fees .....	1,319,900
Stormwater permit fees .....	1,364,000
Submerged log recovery fund .....	101,600
Underground storage tank fees.....	4,245,400
Waste reduction fee revenue .....	7,826,700
Wastewater operator training fees .....	168,400
Water analysis fees .....	2,600,400
Water pollution control revolving fund .....	2,884,300
Water quality protection fund.....	25,000
Water use reporting fees .....	65,100
Total other state restricted revenues .....	189,377,100
State general fund/general purpose .....	\$ 69,442,500
<b>Sec. 102. EXECUTIVE</b>	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	15.0
Unclassified salaries—6.0 FTE positions .....	\$ 505,000
Executive direction—8.0 FTE positions .....	1,057,700
Office of the Great Lakes—7.0 FTE positions .....	773,200
GROSS APPROPRIATION .....	\$ 2,335,900
Appropriated from:	
Federal revenues:	
DOI, federal.....	51,900
EPA, federal.....	101,100
Special revenue funds:	
Environmental education fund.....	184,500
Environmental response fund .....	43,200
Great Lakes protection fund.....	101,100
Oil and gas regulatory fund .....	89,600
Settlement funds .....	210,700
State general fund/general purpose .....	\$ 1,553,800
<b>Sec. 103. DEPARTMENT SUPPORT SERVICES</b>	
Full-time equated classified positions .....	75.0
Financial and business services—32.0 FTE positions .....	\$ 1,182,800
Field operations support—20.0 FTE positions .....	1,427,300
Automated data processing .....	2,053,400
Office of special environmental projects—6.0 FTE positions .....	592,900
Personnel—13.0 FTE positions .....	781,500
Administrative hearings—4.0 FTE positions.....	404,700
Building occupancy charges.....	8,572,500
Rent-privately owned property .....	1,836,900
Environmental support projects.....	5,000,000
GROSS APPROPRIATION .....	\$ 21,852,000
Appropriated from:	
Interdepartmental grant revenues:	
IDT, interdivisional charges .....	2,053,400
Federal revenues:	
EPA, superfund .....	57,800

	For Fiscal Year Ending Sept. 30, 2003
Special revenue funds:	
Aboveground storage tank fee revenue.....	\$ 25,600
Air emissions fees.....	401,800
Clean Michigan initiative - administration.....	162,600
Environmental pollution prevention fund.....	62,900
Environmental response fund.....	1,297,000
Fees and collections.....	99,400
Financial instruments.....	5,000,000
Land and water permit fees.....	107,500
Michigan underground storage tank financial assurance fund.....	333,300
Oil and gas regulatory fund.....	598,100
Public utility assessments.....	12,300
Public water supply fees.....	528,100
Scrap tire regulatory fund.....	88,400
Settlement funds.....	170,600
Solid waste program fees.....	69,600
Stormwater permit fees.....	50,500
Waste reduction fee revenue.....	54,700
Water analysis fees.....	187,700
Water pollution control revolving fund.....	14,900
Water use reporting fees.....	8,400
Underground storage tank fees.....	206,600
State general fund/general purpose.....	\$ 10,260,800
<b>Sec. 104. GEOLOGICAL SURVEY</b>	
Full-time equated classified positions.....70.5	
Services to oil and gas programs—61.0 FTE positions.....	\$ 6,756,100
Well plugging - orphan wells—2.5 FTE positions.....	2,002,000
Coal and sand dune management—3.0 FTE positions.....	594,200
Mineral wells management—3.0 FTE positions.....	215,300
Metallic mining reclamation program—1.0 FTE positions.....	68,200
GROSS APPROPRIATION.....	\$ 9,635,800
Appropriated from:	
Federal revenues:	
DOI, federal.....	405,900
Special revenue funds:	
Environmental response fund.....	75,900
Metallic mining surveillance fee revenue.....	68,200
Mineral well regulatory fee revenue.....	215,300
Oil and gas regulatory fund.....	6,444,500
Orphan well fund.....	2,002,000
Publication revenue.....	103,200
Sand extraction fee revenue.....	188,300
State general fund/general purpose.....	\$ 132,500
<b>Sec. 105. LAND AND WATER MANAGEMENT</b>	
Full-time equated classified positions.....150.0	
Land and water program direction—11.0 FTE positions.....	\$ 896,900
Field permitting and project assistance—85.0 FTE positions.....	7,160,800
Water management—24.0 FTE positions.....	2,378,300
Great Lakes shorelands—30.0 FTE positions.....	2,860,900
Submerged log recovery program.....	101,600
GROSS APPROPRIATION.....	\$ 13,398,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund.....	838,500
Federal revenues:	
EPA, federal.....	666,300

	For Fiscal Year Ending Sept. 30, 2003
DOC-NOAA, federal.....	\$ 1,537,900
FEMA, federal .....	401,900
Special revenue funds:	
Land and water permit fees.....	2,897,100
Soil erosion and sedimentation control training fund.....	101,300
Submerged log recovery fund .....	101,600
State general fund/general purpose .....	\$ 6,853,900
<b>Sec. 106. AIR QUALITY</b>	
Full-time equated classified positions .....	244.5
Air quality programs—244.5 FTE positions .....	\$ 20,778,400
<b>GROSS APPROPRIATION</b> .....	\$ 20,778,400
Appropriated from:	
Federal revenues:	
EPA, federal.....	3,777,100
Special revenue funds:	
Air emissions fees.....	10,034,100
Environmental response fund.....	89,200
State general fund/general purpose .....	\$ 6,878,000
<b>Sec. 107. SURFACE WATER QUALITY</b>	
Full-time equated classified positions .....	206.5
Compliance and permits—109.0 FTE positions .....	\$ 9,338,400
Surface water surveillance program—36.5 FTE positions.....	7,932,800
Watershed management and nonpoint source—40.0 FTE positions.....	3,550,900
Fish contaminant monitoring contracts .....	321,000
Sewage sludge land application program—6.5 FTE positions.....	742,500
Stormwater discharge program—14.5 FTE positions .....	1,233,500
<b>GROSS APPROPRIATION</b> .....	\$ 23,119,100
Appropriated from:	
Federal revenues:	
EPA, federal.....	7,474,300
Special revenue funds:	
CESARS service fee .....	26,300
Clean Michigan initiative - administration .....	577,000
Clean Michigan initiative - clean water fund .....	3,020,000
Environmental response fund .....	147,800
Saginaw Bay and River restoration revenue .....	154,500
Septage waste license fees .....	227,400
Sewage sludge land application fee.....	742,500
Stormwater permit fees .....	1,227,000
Water pollution control revolving fund .....	590,300
State general fund/general purpose .....	\$ 8,932,000
<b>Sec. 108. DRINKING WATER PROTECTION AND RADIOLOGICAL HEALTH</b>	
Full-time equated classified positions .....	203.7
Environmental health—34.0 FTE positions.....	\$ 3,241,500
Laboratory services administration—67.0 FTE positions .....	5,959,000
Drinking water—86.2 FTE positions.....	12,423,600
Radiological protection—16.5 FTE positions.....	1,604,400
Groundwater use reporting.....	150,000
Arsenic testing and public education program .....	500,000
<b>GROSS APPROPRIATION</b> .....	\$ 23,878,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MSP.....	632,200
Federal revenues:	
EPA, federal.....	1,128,600
EPA-GWDW .....	4,075,700
EPA, radon.....	233,500

	For Fiscal Year Ending Sept. 30, 2003
Special revenue funds:	
Drinking water revolving fund .....	\$ 3,369,600
Environmental protection fund .....	500,000
Fees and collections .....	719,300
Great Lakes protection fund .....	150,000
Public water supply fees .....	2,257,600
Settlement funds .....	285,200
Water analysis fees .....	2,257,300
Water use reporting fees .....	56,700
State general fund/general purpose .....	\$ 8,212,800
<b>Sec. 109. LOW-LEVEL RADIOACTIVE WASTE AUTHORITY</b>	
Full-time equated classified positions .....	2.0
Low-level radioactive waste authority—2.0 FTE positions .....	\$ 769,700
<b>GROSS APPROPRIATION</b> .....	\$ 769,700
Appropriated from:	
Special revenue funds:	
Public utility assessments .....	769,700
State general fund/general purpose .....	\$ 0
<b>Sec. 110. ENVIRONMENTAL RESPONSE</b>	
Full-time equated classified positions .....	245.0
Environmental cleanup and redevelopment program .....	\$ 16,544,700
Contaminated site investigations, cleanup, and revitalization—195.0 FTE positions .....	15,928,100
State cleanup (part 201 of 1994 PA 451) .....	3,027,900
Emergency cleanup actions .....	2,000,000
Federal cleanup project management—50.0 FTE positions .....	5,025,000
Superfund cleanup .....	7,000,000
<b>GROSS APPROPRIATION</b> .....	\$ 49,525,700
Appropriated from:	
Federal revenues:	
DOD, federal .....	455,300
EPA, federal .....	2,818,700
EPA, superfund .....	7,000,000
Special revenue funds:	
Private funds .....	135,700
Clean Michigan initiative - administration .....	1,472,800
Cleanup and redevelopment fund .....	7,234,000
Environmental protection fund .....	14,973,700
Environmental response fund .....	13,449,400
Landfill maintenance trust fund .....	47,200
Settlement funds .....	1,938,900
State general fund/general purpose .....	\$ 0
<b>Sec. 111. STORAGE TANKS</b>	
Full-time equated classified positions .....	108.5
MI underground storage tank financial assurance program—34.5 FTE positions .....	\$ 61,635,700
Underground storage tank program—37.0 FTE positions .....	4,102,900
Aboveground storage tank program—9.0 FTE positions .....	691,900
Leaking underground storage tank cleanup program .....	5,316,000
Emergency cleanup actions .....	2,000,000
Leaking underground storage tank program—28.0 FTE positions .....	3,700,200
<b>GROSS APPROPRIATION</b> .....	\$ 77,446,700
Appropriated from:	
Federal revenues:	
EPA-LUST trust .....	1,977,500
EPA-UST .....	238,000
Special revenue funds:	
Aboveground storage tank fees .....	691,900

	For Fiscal Year Ending Sept. 30, 2003
Clean Michigan initiative - administration .....	\$ 590,900
Cleanup and redevelopment fund .....	2,966,000
Environmental response fund .....	2,439,000
Michigan underground storage tank financial assurance fund .....	61,635,700
Underground storage tank fees .....	3,864,900
State general fund/general purpose .....	\$ 3,042,800
<b>Sec. 112. WASTE MANAGEMENT</b>	
Full-time equated classified positions .....	149.0
Administration and technical support—19.0 FTE positions .....	\$ 1,526,800
Compliance and enforcement—72.0 FTE positions .....	5,250,500
Hazardous waste permits—28.0 FTE positions .....	2,637,700
Groundwater permits—18.0 FTE positions .....	1,275,800
Solid waste program—12.0 FTE positions .....	1,061,000
Hazardous waste program support .....	515,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 12,266,800</b>
Appropriated from:	
Federal revenues:	
EPA, federal .....	2,929,400
Special revenue funds:	
Environmental pollution prevention fund .....	267,400
Environmental response fund .....	262,700
Hazardous materials transportation permit fund .....	87,800
Scrap tire regulatory fund .....	915,000
Solid waste program fees .....	1,190,300
Waste reduction fee revenue .....	3,224,300
State general fund/general purpose .....	\$ 3,389,900
<b>Sec. 113. ENVIRONMENTAL ASSISTANCE DIVISION</b>	
Full-time equated classified positions .....	99.0
Municipal assistance—32.5 FTE positions .....	\$ 2,908,200
Pollution prevention—34.0 FTE positions .....	3,010,800
Environmental services—12.0 FTE positions .....	1,847,100
Pollution prevention outreach .....	300,000
Technical assistance—20.5 FTE positions .....	3,028,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 11,094,300</b>
Appropriated from:	
Federal revenues:	
EPA, federal .....	664,600
EPA-GWDW .....	665,000
Special revenue funds:	
Private funds .....	300,000
Air emissions fees .....	654,200
Clean Michigan initiative - administration .....	82,400
Drinking water revolving fund .....	1,274,300
Environmental training revenue .....	295,800
Settlement funds .....	67,800
Stormwater permit fees .....	86,500
Waste reduction fee revenue .....	4,162,900
Wastewater operator training fees .....	168,400
Water pollution control revolving fund .....	2,159,300
State general fund/general purpose .....	\$ 513,100
<b>Sec. 114. CRIMINAL INVESTIGATIONS</b>	
Full-time equated classified positions .....	22.0
Environmental investigations—22.0 FTE positions .....	\$ 1,904,900
<b>GROSS APPROPRIATION</b> .....	<b>\$ 1,904,900</b>
Appropriated from:	
Federal revenues:	
EPA, federal .....	129,900



	For Fiscal Year Ending Sept. 30, 2003
Special revenue funds:	
MUSTFA fund .....	\$ 111,700
Oil and gas regulatory fund .....	116,500
Scrap tire regulatory fund .....	36,800
State general fund/general purpose .....	\$ 1,510,000
<b>Sec. 115. GRANTS</b>	
Grants to counties—air pollution .....	\$ 85,000
Water pollution control and drinking water revolving fund.....	102,353,500
Noncommunity water grants .....	1,400,000
Land and water management grants .....	1,800,000
Federal - nonpoint source water pollution grants .....	6,500,000
Federal - Great Lakes remedial action plan grants .....	700,000
Grants to counties - water quality monitoring .....	2,500,000
Great Lakes research and protection grants.....	1,900,000
Pollution prevention local grants.....	250,000
Radon grants .....	135,000
Septage waste compliance grants .....	1,525,000
Scrap tire grants.....	700,000
Drinking water revolving fund implementation.....	1,330,000
Local health department operations.....	10,472,500
Volunteer river, stream, and creek cleanup.....	25,000
GROSS APPROPRIATION .....	\$ 131,676,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, local public health operations .....	10,472,500
Federal revenues:	
DOC-NOAA, federal.....	1,500,000
EPA, federal.....	7,500,000
EPA, radon.....	90,000
Federal revenues .....	85,000,000
Special revenue funds:	
Cleanup and redevelopment fund .....	2,500,000
Community pollution prevention fund.....	250,000
Drinking water revolving fund .....	1,330,000
Great Lakes protection fund.....	1,900,000
Public water supply fees .....	1,400,000
Scrap tire regulatory fund .....	700,000
Septage waste license fees .....	1,525,000
Water quality protection fund.....	25,000
State general fund/general purpose .....	\$ 17,483,500
<b>Sec. 116. INFORMATION TECHNOLOGY</b>	
Information technology services and projects .....	\$ 7,364,900
GROSS APPROPRIATION .....	\$ 7,364,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG, Michigan transportation fund .....	46,300
Federal revenues:	
DOC-NOAA, federal.....	25,600
EPA, federal.....	615,400
Special revenue funds:	
Air emissions fees.....	486,900
Drinking water revolving fund .....	85,600
Environmental protection fund.....	69,000
Environmental response fund .....	129,700
Land and water permit fees.....	106,700
Michigan underground storage tank financial assurance fund .....	375,000

	For Fiscal Year Ending Sept. 30, 2003
Oil and gas regulatory fund .....	\$ 544,200
Public utility assessments .....	4,100
Public water supply fees .....	265,300
Scrap tire regulatory fund .....	81,300
Settlement funds .....	728,900
Solid waste program fees .....	60,000
Underground storage tank fees .....	173,900
Waste reduction fee revenue .....	384,800
Water analysis fees .....	155,400
Water pollution control revolving fund .....	119,800
State general fund/general purpose .....	\$ 2,907,000
<b>Sec. 117. EARLY RETIREMENT AND BUDGETARY SAVINGS</b>	
Early retirement savings .....	\$ (1,481,000)
Budgetary savings .....	(746,600)
<b>GROSS APPROPRIATION .....</b>	<b>\$ (2,227,600)</b>
Appropriated from:	
State general fund/general purpose .....	\$ (2,227,600)

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2002-2003 is \$258,819,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$15,547,500.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF ENVIRONMENTAL QUALITY

GRANTS

Grants to counties - air pollution .....	\$ 85,000
Local health department operations .....	10,472,500
Septage waste compliance program .....	1,525,000
Scrap tire grants .....	700,000
Noncommunity water grants .....	1,400,000
Radon grants .....	35,000
Drinking water grants .....	1,330,000
<b>TOTAL .....</b>	<b>\$ 15,547,500</b>

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this act:

- (a) "CESARS" means chemical evaluation search and retrieval system.
- (b) "Department" means the department of environmental quality.
- (c) "DOC" means the United States department of commerce.
- (d) "DOC-NOAA" means the DOC national oceanic and atmospheric administration.
- (e) "DOD" means the United States department of defense.
- (f) "DOE" means the United States department of energy.
- (g) "DOI" means the United States department of interior.
- (h) "EPA" means the United States environmental protection agency.
- (i) "EPA-GWDW" means the EPA groundwater drinking water.
- (j) "EPA-LUST trust" means the EPA leaking underground storage tank trust fund.
- (k) "EPA, radon" means the EPA radon grants.
- (l) "EPA-UST" means the EPA underground storage tank.
- (m) "FEMA" means the federal emergency management agency.
- (n) "FTE" means full-time equated.
- (o) "IDG" means interdepartmental grant.
- (p) "IDT" means intradepartmental transfer.
- (q) "MDCH" means the Michigan department of community health.
- (r) "MDSPP" means the Michigan department of state police.

(s) "MI" means Michigan.

(t) "NPL" means the federal national priority list.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) Beginning October 1, a hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to the hiring freeze described in subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$30,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified in this act, the department shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 should not be used for the purchase of foreign goods or services, or both, if competitively priced American goods or services, or both, of comparable quality are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value.

Sec. 210. The director shall take all reasonable steps to ensure that businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. (1) From funds appropriated under part 1, the department shall prepare a report that lists all of the following regarding grant or loan or grant and loan programs administered by the department for the fiscal year ending on September 30, 2003:

(a) The name of each program.

(b) The goals of the program, the criteria, eligibility, process, filing fees, nominating procedures, and deadlines for each program.

(c) The maximum and minimum grant and loan available and whether there is a match requirement for each program.

(d) The amount of any required match, and whether in-kind contributions may be used as part or all of a required match.

(e) Information pertaining to the application process, timeline for each program, and the contact people within the department.

(f) The source of funds for each program, including the citation of pertinent authorizing acts.

(g) Information regarding plans for the next fiscal year for the phaseout, expansion, or changes for each program.

(h) A listing of all recipients of grants or loans awarded by the department by type and amount of grant or loan.

(2) The reports required under this section shall be submitted to the state budget office, the senate and house appropriations committees, and senate and house fiscal agencies by January 1, 2003.

Sec. 212. By February 15, 2003, the department shall provide the state budget director, the subcommittees on natural resources and environmental quality of the senate and house appropriations committees, and the senate and house fiscal agencies with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2002 and September 30, 2003.

Sec. 213. The department shall provide an annual report on the total amount of funds received from responsible parties and legal settlements, and the disposition of these funds. Included in the report shall be a listing of the individual settlement cases, the location of the facilities involved, the type of violation committed, and the amount of funds received.

Sec. 214. The department shall notify the legislature and shall provide a public meeting and public comment opportunity with respect to any request received by the state of Michigan to divert water from the Great Lakes pursuant to the water resources development act of 1986, Public Law 99-662, 100 Stat. 4082.

Sec. 215. (1) The department shall report all of the following information relative to allocations made in part 1 for the environmental cleanup and redevelopment program, state cleanup, emergency actions, superfund cleanup, the revitalization revolving loan program, the brownfield grants and loans program, the leaking underground storage tank cleanup program, the contaminated lake and river sediments cleanup program, and the environmental protection bond projects under section 19508(7) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19508, to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies:

- (a) The name and location of the site for which an allocation is made.
- (b) The nature of the problem encountered at the site.
- (c) A brief description of how the problem will be resolved if the allocation is made for a response activity.
- (d) The estimated date that site closure activities will be completed.
- (e) The amount of the allocation, or the anticipated financing for the site.
- (f) A summary of the sites and the total amount of funds expended at the sites at the conclusion of the fiscal year.
- (g) The number of sites that would qualify as brownfields that were redeveloped.

(2) The report prepared under subsection (1) shall also include all of the following:

(a) The status of all state-owned facilities that are on the list compiled under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(b) The report shall include the total amount of funds expended during the fiscal year and the total amount of funds awaiting expenditure.

(c) The total amount of bonds issued for the environmental protection bond program pursuant to part 193 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.19301 to 324.19306, and bonds issued pursuant to the clean Michigan initiative act, 1998 PA 284, MCL 324.95101 to 324.95108.

(3) The report shall be made available by March 31 of each year.

Sec. 216. Of the money appropriated from the environmental education fund in part 1, \$5,000.00 shall be allocated to Michigan State University Extension Service - 4-H Youth Programs to fund the Michigan Youth Conservation Council.

Sec. 217. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 218. (1) In addition to the funds appropriated in part 1 for the environmental cleanup and redevelopment program and the leaking underground storage tank cleanup program, the department of environmental quality is authorized to expend amounts remaining from prior fiscal year appropriations to meet funding needs of legislatively approved sites.

(2) Unexpended and unencumbered amounts remaining from appropriations from the environmental protection bond fund contained in 1989 PA 180, 1990 PA 55, 1990 PA 194, 1991 PA 31, 1991 PA 160, 1993 PA 74, 1993 PA 353, 1994 PA 442, 1996 PA 353, and 1997 PA 114 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(3) Unexpended and unencumbered amounts remaining from appropriations from the cleanup and redevelopment fund and unclaimed bottle deposits fund contained in 1996 PA 319, 1997 PA 113, 1997 PA 114, 1998 PA 292, 1999 PA 125, 2000 PA 275, and 2001 PA 43 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

(4) Unexpended and unencumbered amounts remaining from appropriations from the clean Michigan initiative fund - response activities contained in 1999 PA 111, 2000 PA 52, 2000 PA 506, and 2001 PA 120 are appropriated for expenditure for any site listed in this act and any site listed in the public acts referenced in this section.

Sec. 220. The department shall report to the state budget office, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies at the end of each fiscal quarter the fund balance in the environmental response fund.

**DEPARTMENT SUPPORT SERVICES**

Sec. 301. Due to the consolidation of the department of environmental quality operations for the purpose of increasing agency efficiencies, effective October 1, 2002, the department of environmental quality shall not expend any of the funds appropriated in part 1 for rental payments or operational expenses for the leased premises located at the following locations:

- (a) 300 South Washington, Lansing, Michigan.
- (b) 300 Stroh River Place, Detroit, Michigan.
- (c) Shiawassee District Office at 10650 South Bennett Road, Morrice, Michigan.

**LAND AND WATER MANAGEMENT**

Sec. 403. The department shall collect Great Lakes bottomland permit fees uniformly and fairly from commercial and noncommercial users of the Great Lakes bottomlands.

Sec. 404. The department may waive permit fees for nonprofit organizations conducting approved stream habitat improvement projects.

**AIR QUALITY**

Sec. 501. The department shall report quarterly, via the department's Internet website, on air quality program expenditures and revenues. The report shall include expenditures and revenues by fund source and by program function.

**SURFACE WATER QUALITY**

Sec. 601. Of the funds appropriated in part 1 for surface water surveillance, a minimum of \$250,000.00 shall be designated for grants to local organizations for water quality monitoring activities.

Sec. 602. Of the funds appropriated in section 107 for water quality monitoring, \$20,000.00 may be provided, on a 50:50 cost-sharing basis, to erect signs at beaches owned by governmental entities. These signs will inform the public where the most recent beach water quality information may be found.

Sec. 604. The department shall review the 2002 report, "Greening the Governments", and present its analysis to the house and senate subcommittees on environmental quality on October 30, 2002. This analysis shall address specific findings of the "Greening the Governments" report that Michigan had the best water quality in 1999, as measured by the number of tons of toxic material released per \$1,000,000.00 in industry gross state product. The analysis shall include specific recommendations on how Michigan can improve its environmental performance in these and other areas to be competitive with the other Great Lakes states.

**DRINKING WATER**

Sec. 701. The funds appropriated in part 1 for groundwater use reporting shall be awarded as a grant for the development of a groundwater database needed to model the demands for domestic water uses of groundwater supplies.

**ENVIRONMENTAL RESPONSE**

Sec. 801. The unexpended funds appropriated in part 1 for the state cleanup program, environmental cleanup and redevelopment program, emergency cleanup action, contaminated site investigations, cleanup and revitalization, and superfund cleanup projects are considered work project appropriations and any unencumbered or unallotted funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

- (a) The purpose of the projects to be carried forward is to provide contaminated site cleanup.
- (b) The projects will be accomplished by contract.
- (c) The total estimated cost of all projects is identified in each line-item appropriation.
- (d) The tentative completion date is September 30, 2007.

Sec. 802. Of the funds appropriated in part 1 as state match for the superfund cleanup program, an amount not to exceed \$250,000.00 shall be expended as the state match for the hazardous substance research center.

Sec. 803. The funds appropriated in part 1 for the environmental cleanup and redevelopment program shall be used to fund redevelopment and cleanup activities on the following sites:

Allegan	Saugatuck Twp. Contamination
Berrien	Coloma DCPA Site
Calhoun	Verona Well Field
Calhoun	Residential Wells Tekonsha - North Plume
Cass	Cass St. Area Edwardsburg
Cass	Sundstrand Heat Transfer
Charlevoix	East Jordan Laundromat
Charlevoix	Former Boyne City Chemical
Eaton	916 S. Main Street, Eaton Rapids
Gladwin	Buckeye Oil Field
Gratiot	Gratiot County Landfill
Hillsdale	Haischer Oil
Hillsdale	Wickens Oil
Hillsdale	Penland Oil

Jackson	Spring Arbor Wash & Dry
Kalamazoo	North 34th St. Area Richland
Kalamazoo	Schoolcraft Area Organics
Livingston	Main Street, Gregory
Monroe	Zieman Grames Rd. Dump
Muskegon	Ruddiman Creek Drum Dump
Oakland	Lapeer Road Residential Wells
Oakland	Waterford Hills Sanitary Landfill
Oscoda	Hoskins Manufacturing
Ottawa	Fenske Landfill Ottawa Co.
St. Joseph	SW Sturgis TCE
Van Buren	Commercial Street Industrial Area, Paw Paw
Wayne	Plymouth Industrial Holding Company
Wayne	General Oil Co.
Wayne	Standard Tube of Detroit
Wayne	CYB Tool
Wexford	AAR Cadillac Mfg.
Wexford	Yuma Tar

Sec. 804. Of the funds appropriated in part 1 for the environmental cleanup and redevelopment program, an amount not to exceed \$2,000,000.00 shall be expended for the NPL municipal landfill match grants.

#### **STORAGE TANKS**

Sec. 901. (1) The funds appropriated in part 1 from the Michigan underground storage tank financial assurance fund for the purpose of carrying out the duties and responsibilities as specified in part 215 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21501 to 324.21551, are considered work project appropriations and any unencumbered funds are carried forward into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried forward is to carry out the responsibilities of part 215 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21501 to 324.21551.

(b) The projects will be accomplished by contract and state employees.

(c) The total estimated cost is identified in a line-item appropriation.

(d) The tentative completion date is September 30, 2007.

(2) The Michigan underground storage tank financial assurance policy board shall allocate the amount of the underground storage tank financial assurance fund to be distributed to the department. If the amount recommended by the board is less than that appropriated in part 1, expenditures shall be adjusted accordingly.

(3) Included in the funds appropriated in part 1 from the Michigan underground storage tank financial assurance fund are funds sufficient to pay debt service costs on the bonds or notes issued pursuant to part 215 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.21501 to 324.21551.

Sec. 902. The department shall report to the state budget director, the senate and house appropriations subcommittees on environmental quality, and the senate and house fiscal agencies not later than October 31, 2003 on the Michigan underground storage tank financial assurance fund. The report shall include the fund balance, estimate of available revenues, number and dollar value of claims processed through September 30, 2002, and total estimated claims liability through December 22, 2004.

Sec. 903. The unexpended funds appropriated in part 1 for the leaking underground storage tank cleanup program are considered work project appropriations and any unencumbered or unallotted funds are carried over into the succeeding fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the projects to be carried over is to provide for redevelopment and contaminated site cleanup.

(b) These projects will be accomplished by contract.

(c) The total estimated costs of all projects is identified in each line-item appropriation.

(d) The tentative completion date for these projects is September 30, 2007.

Sec. 904. The funds appropriated in part 1 for the leaking underground storage tank cleanup program shall be used to fund redevelopment and cleanup activities on the following sites:

Alger	Melstrand General Store
Eaton	5-Star Pizza
Eaton	Keweenaw Party Store
Jackson	Vandy's Party Store
Monroe	Mike's Quality Meats (former)
Montmorency	Stoddard's A-1 Party Mart
Newaygo	Up North Gift Co.

**ENVIRONMENTAL ASSISTANCE**

Sec. 1002. The appropriation in part 1 for environmental assistance includes \$200,000.00 to support research and technology demonstration projects which encourage scrap tire recycling and reuse.

Sec. 1003. If the department participates, consults, or collaborates on a study regarding removal of automobile components in 2002, it shall review other removal options for similar components by September 30, 2003 including, but not limited to, removal from other than end-of-life vehicles.

**CRIMINAL INVESTIGATIONS**

Sec. 1101. From funds appropriated in part 1, the department shall conduct periodic inspections of imported solid waste at disposal facilities to mitigate the unpermitted disposal of waste at Michigan disposal sites.

Sec. 1102. With funds appropriated in part 1, the department shall provide training in support of local efforts to regulate solid waste disposal. Department environmental conservation officers shall be directed to help train law enforcement officers and other enforcement personnel to develop community partnerships to combat illegal dumping at the local level.

**GRANTS**

Sec. 1201. If a certified health department does not exist in a city, county, or district or does not fulfill its responsibilities under part 117 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11701 to 324.11719, then the department may spend funds appropriated in part 1 under the septage waste compliance program in accordance with section 11716 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11716.

Sec. 1202. Of the funds appropriated in part 1 for scrap tire grants, \$100,000.00 shall be available for grants to communities to cover scrap tire fire suppression costs, provided owner liability bonds and other available funding sources have been exhausted.

Sec. 1204. From the funds appropriated in section 115 for the drinking water revolving loan program, the department shall provide low-interest loans for public water supply systems found to be out of compliance with federal arsenic standards.

Sec. 1205. The money appropriated in section 115 for grants to counties—water quality monitoring shall be used to establish and operate a comprehensive monitoring program to protect and manage the environmental quality of the St. Clair River, Lake St. Clair, and the Clinton River watershed.

**INFORMATION TECHNOLOGY**

Sec. 1301. The department of information technology shall establish a schedule of rates, user fees, and charges or assessments for standard services and information system support requirements to be made to departments for technology related services and projects. This schedule, as well as copies of related interagency agreements, shall be provided to the state budget office and the house and senate committees on appropriations before October 1, 2002.

Sec. 1302. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of environmental quality technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

**EARLY RETIREMENT AND BUDGETARY SAVINGS**

Sec. 1501. (1) The negative appropriation for early retirement savings in part 1 shall be satisfied by savings realized from not filling all of the positions lost due to the early retirement plan for state employees enacted in 2002 PA 93 amendments to the state employees' retirement act, 1943 PA 240, MCL 38.1 to 38.69.

(2) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings from the hiring freeze imposed under section 205, efficiencies, and other savings identified by the department director and approved by the state budget director.

(3) Appropriation authorization adjustments required due to negative appropriations for early retirement savings and budgetary savings shall be made only after the approval of transfers by the legislature pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 1502. (1) Subject to subsection (2), in addition to the amounts appropriated under part 1, the following amounts are appropriated for the fiscal year ending September 30, 2003:

(a) \$250,000.00 is appropriated to superfund cleanup from the state general fund.

(b) \$2,000,000.00 is appropriated to waste management, compliance, and enforcement from the state general fund.

The appropriation from waste reduction fee revenue for this purpose is reduced by \$2,000,000.00.

(c) \$140,000.00 is appropriated to field permitting and project assistance from the state general fund.

(d) \$500,000.00 is appropriated to financial support services from the state general fund.

(e) \$100,000.00 is appropriated to Great Lakes shorelands from the state general fund.

(2) The appropriations in subsection (1) shall become effective only if the tax on cigarettes under the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, is increased by 30 cents or more per pack of cigarettes on or before September 30, 2002.

Second: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain

reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Loren Bennett  
Philip E. Hoffman  
Conferees for the Senate

David Mead  
Charles LaSata  
Conferees for the House

The question being on the adoption of the conference report,  
The second conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 774****Yeas—23**

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

**Nays—13**

Byrum	Gast	Leland	Peters
Cherry	Hart	Miller	Scott
Dingell	Koivisto	Murphy	Young
Emerson			

**Excused—2**

Smith	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

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

**Protests**

Senators Byrum, Miller, Scott and Young, under their constitutional right of protest (Art. 4, Sec. 18), protested against the adoption of the second conference report for Senate Bill No. 1104.

Senator Byrum's statement, in which Senator Miller concurred, is as follows:

I believe wetland mitigation is very important in the state of Michigan, particularly in the context of what we are trying to do when it comes to preserving and protecting our great natural resource, our water.

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

The motion prevailed.



Senator Young’s statement, in which Senators Byrum and Scott concurred, is as follows:

I encourage a “no” vote on this conference report. In the conference committee I offered an amendment to restore reporting language that was included in both the House and Senate versions of the bill, with a date being the only difference between the two versions. The language would have simply required the department to report to the Legislature on their enforcement activities; not too much to ask. My amendment was rejected by the conference committee, overturning the will of both the House and Senate.

I also offered an amendment that would have restored Senate-passed language requiring entities that are destroying wetlands to have mitigation plans in place before the destruction occurs. They are already required to replace the wetlands, but we are finding that a large percentage of the replacement is either unsuccessful or, in fact, never occurs. This boilerplate language would simply require them to have a plan and financial assurance. Apparently, the department raised concerns about the fact that they only have 90 days to approve a permit. The language would allow them to issue a permit with the condition of receiving an acceptable mitigation plan before destruction of the wetland.

I urge you to vote against this report, as for my opinion, it does not provide much needed interest for our state so that the health and welfare of Michigan citizens can be better protected.

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

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

- House Bill No. 4599**
- House Bill No. 6071**
- House Bill No. 6074**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 4599, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding part 172.

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. 775**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith	Vaughn
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**Not Voting—0**

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

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6071, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8a (MCL 125.2688a), as amended by 2000 PA 259.

The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-1).

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

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. 776**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6074, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.157) by adding section 9i. The question being on the passage of the bill,

Senator Emmons offered the following substitute:

Substitute (S-1).

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

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. 777**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the 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.”

The Senate agreed to the full title.

Senators Goschka and Young asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Goschka's statement is as follows:

I would like to remind all members of the Senate and staff that while we are here today, today is known as Juneteenth Day in our great country. It was on this day, June 19, 1865, when the very last of the slaves—and they were in Texas—heard of their freedom. I think that it is important that on this day when so many African Americans throughout our country celebrate Juneteenth Day—a day, again, on June 19, 1865, when the last of the slaves who had heard of their freedom knew that they were free.

It's not only a great day for African Americans to celebrate, but I believe all Americans. We need to continue to move toward every bit of economic opportunity and anywhere we can recognize all people not on the basis of the color of skin, but truly the content of their character. It will continue to be a great day in America. Today is Juneteenth Day and a wonderful day to celebrate.

Senator Young's statement is as follows:

I want to add to the comments of the Senator from the 33rd District. I appreciate him standing up to bring this to the attention of the chamber and to those who are in the Gallery. I think we all know and now believe that until everyone is free, no one is free, and it's for that purpose I wish to commend the Senator for bringing that to our attention. I am in support of everyone being aware of that. This is, in fact, June the 19th Day.

By unanimous consent the Senate returned to the order of

#### **Motions and Communications**

Senator Emmons moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bill:

#### **Senate Bill No. 616, entitled**

A bill to authorize the state administrative board to convey certain property in Jackson county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

#### **Senate Bill No. 616**

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

By unanimous consent the Senate returned to the order of

#### **General Orders**

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Hoffman, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

#### **Senate Bill No. 616, entitled**

A bill to authorize the state administrative board to convey certain property in Jackson county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills Calendar:

#### **Senate Bill No. 616**

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

The following bill was read a third time:

**Senate Bill No. 616, entitled**

A bill to authorize the state administrative board to convey certain property in Jackson county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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. 778**

**Yeas—36**

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

**Nays—0**

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Hoffman

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of

**Messages from the House**

Senator Emmons moved that the enrollment be vacated on the following bill:

**Senate Bill No. 1016**

The motion prevailed.

Senator Emmons moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

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

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

Senator Hammerstrom moved that she be named co-sponsor of the following bill:

**Senate Bill No. 616**

The motion prevailed.

**Recess**

Senator Emmons moved that the Senate recess until 1:30 p.m.

The motion prevailed, the time being 11:57 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President pro tempore, Senator Schwarz.

**House Bill No. 4373, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-4) the Senate substitute (S-1).

The House of Representatives has concurred in the Senate substitute (S-1) as substituted (H-4), ordered that the bill be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002 and fiscal year ending September 30, 2003; to implement the appropriations within the budgetary process; to authorize certain land transfers; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

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

Senator Gougeon offered the following amendment to the substitute:

- 1. Amend page 45, following line 24, by inserting:

“Sec. 454. The department may implement a program to make increased payments for Medicaid services to hospitals located in geographic areas where the nonfederal share of the Medicaid payment is obtained from local units of government. Any increase in payments specified in this section are contingent upon such payments not exceeding federal Medicaid upper payment limit requirements.”.

The amendment to the substitute was adopted.

Senator Gast offered the following amendments to the substitute:

- 1. Amend page 19, following line 14, by striking out “State emergency relief..... \$ 356,000
- 2. Amend page 19, line 17, by striking out “35,356,000” and inserting “35,000,000”.
- 3. Amend page 19, line 21, by striking out “15,356,000” and inserting “15,000,000”.
- 4. Amend page 20, line 16, by striking out all of lines 16 and 17.
- 5. Amend page 20, line 19, by striking out “9,350,000” and inserting “9,200,000”.
- 6. Amend page 20, line 23, by striking out “150,000” and inserting “0”.
- 7. Amend page 23, line 13, by striking out all of subsection (4) and adjusting the subtotals, totals, and section 201 accordingly.
- 8. Amend page 44, line 22, by striking out all of section 453.

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

The question being on the adoption of the amendments,

Senator Young 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 adopted, a majority of the members voting therefor, as follows:

**Roll Call No. 779**

**Yeas—20**

Bullard	Gast	Johnson	Shugars
DeGrow	Goschka	McManus	Sikkema
Dunaskiss	Gougeon	North	Steil
Emmons	Hammerstrom	Sanborn	Stille
Garcia	Hoffman	Schuette	Van Regenmorter

**Nays—16**

Bennett	Dingell	Leland	Peters
Byrum	Emerson	McCotter	Schwarz
Cherry	Hart	Miller	Scott
DeBeaussaert	Koivisto	Murphy	Young

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Hoffman

Senator Cherry offered the following amendments:

1. Amend page 8, line 12, by striking out section 104 in its entirety and inserting:

**“Sec. 104. DEPARTMENT OF CAREER DEVELOPMENT**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION ..... \$ 80,000

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers ..... \$ 0

ADJUSTED GROSS APPROPRIATION ..... \$ 80,000

Special revenue funds:

State general fund/general purpose ..... \$ 80,000

**(2) DEPARTMENT GRANTS**

Glen Oaks Community College outreach center..... \$ 80,000

GROSS APPROPRIATION ..... \$ 80,000

Appropriated from:

Special revenue funds:

State general fund/general purpose ..... \$ 80,000”

2. Amend page 13, line 13, by striking out all of section 107.

3. Amend page 21, line 1, by striking out all of section 113 and inserting:

**“Sec. 113. HISTORY, ARTS, AND LIBRARIES**

**(1) APPROPRIATION SUMMARY**

GROSS APPROPRIATION ..... \$ 211,500

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers ..... \$ 0

ADJUSTED GROSS APPROPRIATION ..... \$ 211,500

Special revenue funds:

State general fund/general purpose ..... \$ 211,500

**(2) LIBRARY OF MICHIGAN**

Renaissance zone reimbursement ..... \$ 211,500

GROSS APPROPRIATION ..... \$ 211,500

Appropriated from:

Special revenue funds:

State general fund/general purpose ..... \$ 211,500”

and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 41, line 4, by striking out all of section 420.

5. Amend page 41, line 18, by striking out all of section 421.

6. Amend page 42, line 6, by striking out all of section 422.

7. Amend page 46, line 6, by striking out all of section 502.

8. Amend page 47, line 10, by striking out all of section 520.

The amendments to the substitute were not adopted.

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

Senator Emerson 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. 780**

**Yeas—15**

Byrum  
Cherry

Emerson  
Goschka

Koivisto  
Leland

Peters  
Scott

DeBeaussaert  
Dingell

Hart  
Hoffman

Miller  
Murphy

Young

**Nays—21**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons  
Garcia

Gast  
Gougeon  
Hammerstrom  
Johnson  
McCotter

McManus  
North  
Sanborn  
Schuette  
Schwarz

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the House substitute, as amended,  
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 781**

**Yeas—23**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons  
Garcia

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Johnson

McCotter  
McManus  
North  
Sanborn  
Schuette  
Schwarz

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Nays—13**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Hart  
Koivisto

Leland  
Miller  
Murphy

Peters  
Scott  
Young

**Excused—2**

Smith

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title as amended.



By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Emmons moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the order of General Orders:

**House Bill No. 6137**

**House Bill No. 4851**

**House Bill No. 4852**

**House Bill No. 4853**

**House Bill No. 5450**

**House Bill No. 5451**

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

By unanimous consent the Senate returned to the order of  
**General Orders**

Senator Emmons moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Cherry as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and with amendments, the following bill:

**House Bill No. 4719, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12541 (MCL 333.12541).

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

1. Amend page 2, line 9, after "REVIEWED." by inserting "OPEN STRETCHES OF BEACH OR BEACHES AT ROAD ENDS THAT ARE NOT ADVERTISED OR POSTED AS PUBLIC BATHING BEACHES DO NOT NEED TO HAVE SIGNS POSTED."

2. Amend page 2, line 26, after "INCLUDE" by striking out the balance of the line through "12521" on line 2 of page 3 and inserting "A PUBLIC SWIMMING POOL AS DEFINED IN SECTION 12521".

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

### **Recess**

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

The motion prevailed, the time being 2:04 p.m.

3:14 p.m.

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

Senator Emmons moved that when the Senate adjourns today, it stand adjourned until Thursday, June 27.

The motion prevailed.

### **Committee Reports**

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 4851, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7gg.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

## To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 4852, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to clarify the ownership of certain parcels of property; to prescribe the powers and duties of certain local government officials; and to provide penalties.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

## To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 4853, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 4 (MCL 21.144) and by adding section 2f.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

## To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 5450, entitled**

A bill to provide for the creation of local land banks to assist governmental entities in the assembly and clearance of title to property in a coordinated manner; to facilitate the use and development of certain property; to promote economic growth; to prescribe the powers and duties of certain land banks; to provide for the creation and appointment of boards to govern land banks and to prescribe their powers and duties; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to authorize the conveyance of certain properties to a land bank; to authorize the enforcement of tax liens and the clearing or quieting of title by a land bank; to provide for the distribution and use of revenues collected or received by a land bank; to prescribe powers and duties of certain public entities and state and local officers and agencies; to authorize the transfer and acceptance of property in lieu of taxes and the release of tax liens; to exempt property, income, and operations of a land bank from tax; and to extend protections against certain liabilities to a land bank.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

## To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**House Bill No. 5451, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78i (MCL 211.78i), as amended by 2001 PA 101.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported

**House Bill No. 6137, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2 and 13 (MCL 125.2652 and 125.2663), section 2 as amended by 2002 PA 254 and section 13 as amended by 2000 PA 145.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

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

Bill Schuette  
Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter and Sanborn

Nays: Senator Leland

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

#### COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development, International Trade and Regulatory Affairs submitted the following:

Meeting held on Tuesday, June 18, 2002, at 9:10 a.m., Room 110, Farnum Building

Present: Senators Schuette (C), McCotter, Sanborn, Leland and Peters

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 3:15 p.m.

Pursuant to the order previously made, the President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, June 27, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

