

No. 106
STATE OF MICHIGAN
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REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, December 18, 2003.

10:00 a.m.

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

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

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

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

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

Reverend Terry Robinson of Tabernacle Missionary Baptist Church of Detroit offered the following invocation:

Dear God, the Psalm of David says that You are the Lord most high; You are the great King over all the earth, and You are seated, even now, on Your holy throne.

Father, I pray indeed on behalf of the Michigan Senate this morning that You would give them understanding and insight to deal with the matters and the issues that they would deal with today. I pray also indeed for Your wisdom, the divine guidance to meet them every step of the way. We pray indeed for their great virtue of love that they would be patient, kind to one another, and that the decisions that would come forth today would bring about great prosperity and welfare for our entire state. Indeed, we thank You again for this advent season.

May the grace of our Lord and Savior Jesus Christ, the love of God our Father, and the fellowship of his Spirit be with each member here, for it is in his Son's name we pray. Amen.

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

Motions and Communications

Senators Sikkema and Thomas entered the Senate Chamber.

Senator Hammerstrom moved that Senators Stamas, Goschka, Johnson, Garcia and Birkholz be temporarily excused from today's session.

The motion prevailed.

Senators Garcia and Bernero entered the Senate Chamber.

Senator Schauer moved that Senator Basham be temporarily excused from today's session.

The motion prevailed.

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

House Bill No. 5218

The motion prevailed.

Senator Birkholz entered the Senate Chamber.

The following communication was received and read:

Office of Senator Shirley Johnson

December 17, 2003

On December 2, 2003, a letter from my office indicating my formal removal and the subsequent appointment of State Senator Tony Stamas to the Senate Appropriations Subcommittee on Natural Resources was forwarded to your attention.

Please accept this letter as my formal reappointment to the Senate Appropriations Subcommittee on Natural Resources. My reappointment and Senator Stamas' subsequent removal from the Subcommittee are effective immediately.

Your kind attention to this matter is appreciated.

Sincerely,
Shirley Johnson
State Senator

The communication was referred to the Secretary for record.

Senator Hammerstrom moved that rule 3.902 be suspended to allow the guests of Senator Bernero admittance to the Senate floor, including the center aisle.

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

Senator Hammerstrom moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:08 a.m.

10:16 a.m.

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

During the recess, Senator Bernero introduced to the Senate the Lansing Christian High School Girls Basketball Team, Class D State Champions, principal, and coaches, and presented them with a Special Tribute.
Coach Norm Randall responded briefly.

During the recess, Senators Goschka and Basham entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 17:

House Bill Nos. 4729 5158 5336 5365 5366

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 18:

House Bill Nos. 4344 4730 5347

The Secretary announced that the following bills were available at the legislative Web site on Wednesday, December 17:

Senate Bill Nos. 902 903

House Bill Nos. 5384 5385

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

Senator Hammerstrom moved that consideration of the following bills be postponed for today:

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 806

Senate Bill No. 485

Senate Bill No. 502

Senate Bill No. 474

The motion prevailed.

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

Senate Bill No. 226

Senate Bill No. 227

Senate Bill No. 228

Senate Bill No. 229

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

Senate Bill No. 508, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278.

Substitute (H-1).

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

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

Roll Call No. 672**Yeas—34**

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

Nays—0**Excused—2**

Johnson Stamas

Not Voting—2

Bernero Emerson

In The Chair: President

Senator Schauer moved that Senators Emerson and Bernero be temporarily excused from the balance of today's session. The motion prevailed.

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

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160c. Substitute (H-1).

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

Roll Call No. 673**Yeas—34**

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

Nays—0

Excused—4

Bernero

Emerson

Johnson

Stamas

Not Voting—0

In The Chair: President

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

Senator Bernero entered the Senate Chamber.

Senate Bill No. 535, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80115 (MCL 324.80115), as added by 1995 PA 58, and by adding section 80124b.

Substitute (H-2).

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. 674

Yeas—35

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

Nays—0

Excused—3

Emerson

Johnson

Stamas

Not Voting—0

In The Chair: President

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

Senate Bill No. 536, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80124a.

Substitute (H-1).

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

Roll Call No. 675

Yeas—35

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

Nays—0

Excused—3

Emerson	Johnson	Stamas
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Not Voting—0

In The Chair: President

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

Senator Emerson entered the Senate Chamber.

Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 676**Yeas—35**

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

Nays—0**Excused—2**

Johnson Stamas

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the full title.

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

Senate Bill No. 227, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e of chapter XVII (MCL 777.13e), as added by 2002 PA 30.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 677**Yeas—35**

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

Nays—0

Excused—2

Johnson

Stamas

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the full title.

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

Senator Stamas entered the Senate Chamber.

Senate Bill No. 228, entitled

A bill to amend 1988 PA 466, entitled “Animal industry act,” by amending sections 4, 6, 12, and 31 (MCL 287.704, 287.706, 287.712, and 287.731), sections 4, 6, and 12 as amended by 2002 PA 458 and section 31 as amended by 2000 PA 323.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 678

Yeas—36

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

Nays—0

Excused—1

Johnson

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the full title.

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

Senate Bill No. 229, entitled

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending sections 2 and 4 (MCL 286.872 and 286.874).

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 679**Yeas—36**

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

Nays—0**Excused—1**

Johnson

Not Voting—1

Emerson

In The Chair: President

The Senate agreed to the full title.

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

Senate Bill No. 781, entitled

A bill to amend 1999 PA 244, entitled “An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act,” by amending section 2 (MCL 445.2052).

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

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

The House of Representatives returned, in accordance with the request of the Senate

House Bill No. 5218, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” by amending section 29 (MCL 117.29), as amended by 1994 PA 17.

Senator Cropsey moved to reconsider the vote by which the bill was passed.

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

The bill was placed on the order of Third Reading of Bills.

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

Senate Bill No. 474

The motion prevailed.

The question being on the motion that consideration of the bill be postponed for today,

Senator Hammerstrom withdrew the motion.

Senate Bill No. 474, entitled

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

Substitute (H-7).

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. 680

Yeas—25

Allen	Garcia	Jelinek	Sikkema
Barcia	George	Kuipers	Stamas
Birkholz	Gilbert	Leland	Switalski
Bishop	Goschka	McManus	Thomas
Brown	Hammerstrom	Prusi	Toy
Cassis	Hardiman	Sanborn	Van Woerkom
Cropsey			

Nays—12

Basham	Cherry	Emerson	Patterson
Bernero	Clark-Coleman	Jacobs	Schauer
Brater	Clarke	Olshove	Scott

Excused—1

Johnson

Not Voting—0

In The Chair: President

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

Protest

Senator Scott, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 474 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting “no.”

The motion prevailed.

Senator Scott’s statement is as follows:

You know, we have been dealing with this payday lending for a long time now. You know, it is better than it was when we started, but we can do better for our people. I know that the sponsor of this bill has indicated all the things—the fees—that others have put on there, but we need to do something about that too. We don’t need to allow these people to be able to just charge ridiculously what they are doing today. I think we need to stand up now and really decide if we want to help our constituents.

Remember, I always talk about the least of these. Well, it’s the least of these who are going to be paying these high bills, not those who can really afford it because they are going to get this low interest rate. They can go to banks or wherever and get these low interest rates, but these people can’t.

So I am asking my colleagues to make this bill better. He says 1 percent. Well, I think we can do better by 2 percent. We are talking about face value of 13.2 percent, not the interest rate; it’s 15 percent. We can do better, and I ask my colleagues to vote against this, so that we can let our constituents know, and especially at Christmastime, that this could be a better gift for them.

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

The motion prevailed.

Senator Hammerstrom’s statement is as follows:

I do rise to recognize a policy person from the Republican Caucus who is going to be leaving us, and it is Karen Krzanowski.

As you know, Karen has been very involved in the health policy issues. She has been a very invaluable resource for us on the CON issues, on the EPIC program, and on the Senior Prescription Drug program. She stood by me and worked very closely with us on small group reform. Obviously, she has worked with the appropriations people on the medical trust fund and other budget issues too.

Karen is leaving and going to pursue something else. It will be gain for the county’s association that she’s going to, and it will certainly be our loss as she leaves this building and moves onto other things.

I want to thank Karen personally for being a great resource for me, as the Health Policy Committee chair. I know that she has been a great resource for a lot of our members and has worked in conjunction with the other side of the aisle on issues. We wish her well, and we wish her and her family a wonderful holiday as well.

Recess

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

The motion prevailed, the time being 11:03 a.m.

11:37 a.m.

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

During the recess, Senator Johnson entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Hammerstrom 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, Lieutenant Governor Cherry, designated Senator Van Woerkom as Chairperson. After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4655, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221 and 16226 (MCL 333.16221 and 333.16226), section 16221 as amended by 2002 PA 402 and section 16226 as amended by 2002 PA 643. Substitute (S-1).

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

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

"TITLE

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 provide for the levy of taxes against certain health facilities or agencies;** 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 provide for an appropriation and supplements; 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."

2. Amend page 3, following line 14, by inserting:

"Sec. 16193. Acceptance of a license or registration under this article constitutes implied consent to submit to a chemical analysis under section 430 of the Michigan penal code, 1931 PA 328, MCL 750.430."

3. Amend page 13, following line 5, by inserting:

"Sec. 20161. (1) The department shall assess fees **and other assessments** for health facility and agency licenses and certificates of need on an annual basis as provided in this article. Except as otherwise provided in this article, fees shall be paid in accordance with the following fee schedule:

(a) Freestanding surgical outpatient facilities	\$238.00 per facility.
(b) Hospitals	\$8.28 per licensed bed.
(c) Nursing homes, county medical care facilities, and hospital long-term care units	\$2.20 per licensed bed.
(d) Homes for the aged.....	\$6.27 per licensed bed.
(e) Clinical laboratories	\$475.00 per laboratory.
(f) Hospice residences	\$200.00 per license survey; and \$20.00 per licensed bed.
(g) Subject to subsection (13), quality assurance assessment fee for nongovernmentally owned nursing homes and hospital long-term care units	an amount resulting in not more than 6% of total industry revenues.
(h) Subject to subsection (14), quality assurance assessment fee for hospitals	at a fixed or variable 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) If a hospital requests the department to conduct a certification survey for purposes of title XVIII or title XIX of the social security act, the hospital shall pay a license fee surcharge of \$23.00 per bed. As used in this subsection, "title XVIII" and "title XIX" mean those terms as defined in section 20155.

(3) The base fee for a certificate of need is \$750.00 for each application. For a project requiring a projected capital expenditure of more than \$150,000.00 but less than \$1,500,000.00, an additional fee of \$2,000.00 shall be added to the base fee. For a project requiring a projected capital expenditure of \$1,500,000.00 or more, an additional fee of \$3,500.00 shall be added to the base fee.

(4) If licensure is for more than 1 year, the fees described in subsection (1) are multiplied by the number of years for which the license is issued, and the total amount of the fees shall be collected in the year in which the license is issued.

(5) Fees described in this section are payable to the department at the time an application for a license, permit, or certificate is submitted. If an application for a license, permit, or certificate is denied or if a license, permit, or certificate is revoked before its expiration date, the department shall not refund fees paid to the department.

(6) The fee for a provisional license or temporary permit is the same as for a license. A license may be issued at the expiration date of a temporary permit without an additional fee for the balance of the period for which the fee was paid if the requirements for licensure are met.

(7) The department may charge a fee to recover the cost of purchase or production and distribution of proficiency evaluation samples that are supplied to clinical laboratories pursuant to section 20521(3).

(8) In addition to the fees imposed under subsection (1), a clinical laboratory shall submit a fee of \$25.00 to the department for each reissuance during the licensure period of the clinical laboratory's license.

(9) Except for the licensure of clinical laboratories, not more than half the annual cost of licensure activities as determined by the department shall be provided by license fees.

(10) The application fee for a waiver under section 21564 is \$200.00 plus \$40.00 per hour for the professional services and travel expenses directly related to processing the application. The travel expenses shall be calculated in accordance with the state standardized travel regulations of the department of management and budget in effect at the time of the travel.

(11) An applicant for licensure or renewal of licensure under part 209 shall pay the applicable fees set forth in part 209.

(12) ~~The~~ **Except as otherwise provided in this section, the fees and assessments** collected under this section shall be deposited in the state treasury, to the credit of the general fund.

(13) The quality assurance assessment ~~fee~~ collected under subsection (1)(g) and all federal matching funds attributed to that ~~fee assessment~~ shall be used only for the following purposes and under the following specific circumstances:

(a) The quality assurance assessment ~~fee~~ and all federal matching funds attributed to that ~~fee assessment~~ shall be used to finance medicaid nursing home reimbursement payments. Only licensed nursing homes and hospital long-term care units that are assessed the quality assurance assessment ~~fee~~ and participate in the medicaid program are eligible for increased per diem medicaid reimbursement rates under this subdivision.

(b) The quality assurance assessment ~~fee~~ shall be implemented on May 10, 2002.

(c) The quality assurance assessment ~~fee~~ is based on the number of licensed nursing home beds and the number of licensed hospital long-term care unit beds in existence on July 1 of each year, shall be assessed upon implementation pursuant to subdivision (b) and subsequently on October 1 of each following year, and is payable on a quarterly basis, the first payment due 90 days after the date the ~~fee assessment~~ is assessed.

(d) Beginning October 1, 2007, the department shall no longer assess or collect the quality assurance assessment ~~fee~~ or apply for federal matching funds.

(e) Upon implementation pursuant to subdivision (b), the department of community health shall increase the per diem nursing home medicaid reimbursement rates for the balance of that year. For each subsequent year in which the quality assurance assessment ~~fee~~ is assessed and collected, the department of community health shall maintain the medicaid nursing home reimbursement payment increase financed by the quality assurance assessment. ~~fee.~~

(f) The department of community health shall implement this section in a manner that complies with federal requirements necessary to assure that the quality assurance assessment ~~fee~~ qualifies for federal matching funds.

(g) If a nursing home or a hospital long-term care unit fails to pay the assessment required by subsection (1)(g), the department of community health may assess the nursing home or hospital long-term care unit a penalty of 5% of the assessment for each month that the assessment and penalty are not paid up to a maximum of 50% of the assessment. The department of community health may also refer for collection to the department of treasury past due amounts consistent with section 13 of 1941 PA 122, MCL 205.13.

(h) The medicaid nursing home quality assurance assessment fund is established in the state treasury. The department of community health shall deposit the revenue raised through the quality assurance assessment ~~fee~~ with the state treasurer for deposit in the medicaid nursing home quality assurance assessment fund.

(i) ~~Neither the department of consumer and industry services nor the~~ **The** department of community health shall **not** implement this subsection in a manner that conflicts with 42 ~~U.S.C.~~ **USC** 1396b(w).

(j) The quality assurance assessment ~~fee~~ collected under subsection (1)(g) shall be prorated on a quarterly basis for any licensed beds added to or subtracted from a nursing home or hospital long-term care unit since the immediately preceding July 1. Any adjustments in payments are due on the next quarterly installment due date.

(k) In each fiscal year governed by this subsection, medicaid reimbursement rates shall not be reduced below the medicaid reimbursement rates in effect on April 1, 2002 as a direct result of the quality assurance assessment ~~fee~~ collected under subsection (1)(g).

(l) The amounts listed in this subdivision are appropriated for the department of community health, subject to the conditions set forth in this subsection, for the fiscal year ending September 30, 2003:

MEDICAL SERVICES

Long-term care services.....	\$ 1,469,003,900
Gross appropriation	\$ 1,469,003,900
Appropriated from:	
Federal revenues:	
Total federal revenues	814,122,200
Special revenue funds:	
Medicaid quality assurance assessment.....	44,829,000
Total local revenues	8,445,100
State general fund/general purpose	\$ 601,607,600

(m) In fiscal year 2003-2004, \$18,900,000.00 of the quality assurance assessment ~~fee~~ collected pursuant to subsection (1)(g) shall be appropriated to the department of community health to support medicaid expenditures for long-term care services. These funds shall offset an identical amount of general fund/general purpose revenue originally appropriated for that purpose.

(14) The quality assurance dedication is an earmarked assessment ~~fee~~ collected under subsection (1)(h). That ~~fee assessment~~ and all federal matching funds attributed to that ~~fee assessment~~ shall be used only for the following purposes and under the following specific circumstances:

(a) Part of the quality assurance assessment ~~fee~~ shall be used to maintain the increased medicaid reimbursement rate increases as provided for in subdivision (d). A portion of the funds collected from the quality assurance assessment ~~fee~~ may be used to offset any reduction to existing intergovernmental transfer programs with public hospitals that may result from implementation of the enhanced medicaid payments financed by the quality assurance assessment. ~~fee~~. Any portion of the funds collected from the quality assurance assessment ~~fee~~ reduced because of existing intergovernmental transfer programs shall be used to finance medicaid hospital appropriations.

(b) The quality assurance assessment ~~fee~~ shall be implemented on October 1, 2002.

(c) The quality assurance assessment ~~fee~~ shall be assessed on all net patient revenue, before deduction of expenses, less medicare net revenue, as reported in the most recently available medicare cost report and is payable on a quarterly basis, the first payment due 90 days after the date the ~~fee assessment~~ is assessed. As used in this subdivision, "medicare net revenue" includes medicare payments and amounts collected for coinsurance and deductibles.

(d) Upon implementation pursuant to subdivision (b), the department of community health shall increase the hospital medicaid reimbursement rates for the balance of that year. For each subsequent year in which the quality assurance assessment ~~fee~~ is assessed and collected, the department of community health shall maintain the hospital medicaid reimbursement rate increase financed by the quality assurance ~~assessment fees assessments~~.

(e) The department of community health shall implement this section in a manner that complies with federal requirements necessary to assure that the quality assurance assessment ~~fee~~ qualifies for federal matching funds.

(f) If a hospital fails to pay the assessment required by subsection (1)(h), the department of community health may assess the hospital a penalty of 5% of the assessment for each month that the assessment and penalty are not paid up to a maximum of 50% of the assessment. The department of community health may also refer for collection to the department of treasury past due amounts consistent with section 13 of 1941 PA 122, MCL 205.13.

(g) The hospital quality assurance assessment fund is established in the state treasury. The department of community health shall deposit the revenue raised through the quality assurance assessment ~~fee~~ with the state treasurer for deposit in the hospital quality assurance assessment fund.

(h) In each fiscal year governed by this subsection, the quality assurance assessment ~~fee~~ shall only be collected and expended if medicaid hospital inpatient DRG and outpatient reimbursement rates and disproportionate share hospital and graduate medical education payments are not below the level of rates and payments in effect on April 1, 2002 as a direct result of the quality assurance assessment ~~fee~~ collected under subsection (1)(h), except as provided in subdivision (j).

(i) The amounts listed in this subdivision are appropriated for the department of community health, subject to the conditions set forth in this subsection, for the fiscal year ending September 30, 2003:

MEDICAL SERVICES

Hospital services and therapy	\$ 149,200,000
Gross appropriation	\$ 149,200,000

Appropriated from:

Federal revenues:	
Total federal revenues	82,686,800
Special revenue funds:	
Medicaid quality assurance assessment.....	66,513,500
Total local revenues	0
State general fund/general purpose	\$ 0

(j) The quality assurance assessment ~~fee~~ collected under subsection (1)(h) shall no longer be assessed or collected after September 30, 2004, or in the event that the quality assurance assessment ~~fee~~ is not eligible for federal matching funds. Any portion of the quality assurance assessment collected from a hospital that is not eligible for federal matching funds shall be returned to the hospital.

(k) In fiscal year 2002-2003, \$18,900,000.00 of the quality assurance assessment ~~fee~~ shall be deposited into the general fund.

(l) In fiscal year 2003-2004, \$18,900,000.00 of the quality assurance assessment ~~fee~~ collected pursuant to subsection (1)(h) shall be appropriated to the department of community health to support medicaid expenditures for hospital services and therapy. These funds shall offset an identical amount of general fund/general purpose revenue originally appropriated for that purpose.

(15) The quality assurance assessment provided for under this section is a tax that is levied on a health facility or agency.

(16) ~~(15)~~ As used in this section, "medicaid" means that term as defined in section 22207.".

4. Amend page 13, following line 8, by inserting:

"Enacting section 2. This amendatory act is curative and intended to express the original intent of the legislature regarding the application of 2002 PA 303 and 2002 PA 562, as amended by 2003 PA 113.

Enacting section 3. Section 20161 as amended by this amendatory act is retroactive and is effective for all quality assurance assessments made after May 9, 2002."

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4656, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430 (MCL 750.430), as amended by 2002 PA 672.

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 Hammerstrom moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

House Bill No. 4655

House Bill No. 4656

The motion prevailed.

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

House Bill No. 4655

House Bill No. 4656

House Bill No. 4439

Senate Bill No. 826

Senate Bill No. 827

House Bill No. 4299

House Bill No. 5022

House Bill No. 5172

House Bill No. 5218

The motion prevailed.

The following bill was read a third time:

House Bill No. 4655, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16186, 16221, and 16226 (MCL 333.16186, 333.16221, and 333.16226), and sections 16186 and 16226 as amended by 2002 PA 643 and section 16221 as amended by 2002 PA 402.

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. 681

Yeas—32

Allen	Clark-Coleman	Hardiman	Schauer
Barcia	Clarke	Jacobs	Scott
Basham	Cropsey	Jelinek	Sikkema
Bernero	Emerson	Johnson	Stamas
Brater	Garcia	Leland	Switalski
Brown	George	McManus	Thomas
Cassis	Gilbert	Olshove	Toy
Cherry	Hammerstrom	Prusi	Van Woerkom

Nays—6

Birkholz	Goschka	Patterson	Sanborn
Bishop	Kuipers		

Excused—0

Not Voting—0

In The Chair: President

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.

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

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 provide for an appropriation and supplements; 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 the title and sections 16186, 16221, 16226, and 20161 (MCL 333.16186, 333.16221, 333.16226, and 333.20161), the title as amended by 2002 PA 303, sections 16186 and 16226 as amended by 2002 PA 643, section 16221 as amended by 2002 PA 402, and section 20161 as amended by 2003 PA 113, and by adding section 16193.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

The following bill was read a third time:

House Bill No. 4656, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 430 (MCL 750.430), as amended by 2002 PA 672.

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. 682

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

“An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

House Bill No. 4439, entitled

A bill to amend 1986 PA 32, entitled “Emergency telephone service enabling act,” by amending sections 408, 411, 602, and 711 (MCL 484.1408, 484.1411, 484.1602, and 484.1711), sections 408 and 411 as added by 1999 PA 78, section 602 as amended by 1999 PA 80, and section 711 as added by 1999 PA 79; and to repeal acts and parts of acts.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 683

Yeas—36

Allen	Clark-Coleman	Hardiman	Prusi
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott
Bernero	Emerson	Johnson	Sikkema

Birkholz	Garcia	Kuipers	Stamas
Brater	George	Leland	Switalski
Brown	Gilbert	McManus	Thomas
Cassis	Goschka	Olshove	Toy
Cherry	Hammerstrom	Patterson	Van Woerkom

Nays—2

Bishop	Sanborn
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Excused—0**Not Voting—0**

In The Chair: President

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 provide for the establishment of emergency telephone districts; to provide for the installation, operation, modification, and maintenance of universal emergency number service systems; to provide for the imposition and collection of certain charges; to provide the powers and duties of certain state agencies, local units of government, public officers, telephone service suppliers, and others; to create an emergency telephone service committee; to provide remedies; to provide penalties; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

The following bill was read a third time:

Senate Bill No. 826, entitled

A bill to repeal 1903 LA 540, entitled “An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties.”.

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. 684**Yeas—38**

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

Nays—0**Excused—0**

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 827, entitled

A bill to repeal 1905 LA 653, entitled “An act to provide the manner of voting by the members of the board of supervisors of Saginaw county.”.

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. 685**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

House Bill No. 4299, entitled

A bill to amend 1911 PA 235, entitled “An act to provide for the payment and reimbursement by counties, in certain cases upon application therefor, of expenses incurred in the burial of the bodies of honorably discharged members of the armed forces of the United States, or their spouses, and to repeal certain acts or parts of acts,” by amending section 1 (MCL 35.801).

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. 686**Yeas—38**

Allen	Clark-Coleman	Jacobs	Sanborn
Barcia	Clarke	Jelinek	Schauer

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5022, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 12 (MCL 41.812), as added by 1989 PA 81.

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. 687

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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

The following bill was read a third time:

House Bill No. 5172, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 2002 PA 550.

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. 688

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

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 regulate the creation and management of cemeteries; to regulate the sale of cemetery services and merchandise; to provide for a cemetery commissioner, and to prescribe the powers and duties of the commissioner; to require the registration and audit of cemeteries; to regulate persons selling burial, entombment, or columbarium rights, cemetery services, or cemetery merchandise; and to prescribe penalties,".

The Senate agreed to the full title.

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

House Bill No. 5218

The motion prevailed.

By unanimous consent the Senate returned to the order of

Motions and Communications

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

Senate Bill No. 849, entitled

An act to amend 1996 PA 381, entitled "An act to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans relating to the designation and treatment of brownfield redevelopment zones; to promote the revitalization of environmentally distressed areas; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing," by amending section 2 (MCL 125.2652), as amended by 2002 PA 254.

The motion prevailed, and the bill was placed on the order of Messages from the House.

By unanimous consent the Senate returned to the order of

Messages from the House

The House of Representatives requested the return of

Senate Bill No. 849, entitled

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

Senator Hammerstrom moved that the request of the House be granted.

The motion prevailed.

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

The motion prevailed.

Senator Stamas' statement is as follows:

I just wanted to apologize to my colleagues for my tardiness this morning. Unfortunately, as we all have experienced at one time or another, I had some car difficulties. But I did want to note for the record that had I been present, I would have voted "yes" on the following items: concurring in the House substitutes to Senate Bill Nos. 508, 511, 535, 536, 226, and 227.

Senate Bill No. 825, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8 (MCL 125.2688), as amended by 2003 PA 93, and by adding section 8d.

The House of Representatives has concurred in the Senate substitute (S-1) to the House substitute (H-1).

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

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

House Bill No. 5218, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 29 (MCL 117.29), as amended by 1994 PA 17.

The question being on the passage of the bill,

Senator Cropsey offered the following amendment:

1. Amend page 1, line 11 after "of" by striking out "blight".

The amendment 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. 689**Yeas—38**

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

Nays—0**Excused—0****Not Voting—0**

In The Chair: President

Recess

Senator Hammerstrom moved that the Senate recess until 2:30 p.m.
The motion prevailed, the time being 12:19 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

By unanimous consent the Senate returned to the order of

Messages from the House**Senate Bill No. 877, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 641 (MCL 168.641).

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

The Senate agreed to the full title.

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

Senate Bill No. 667, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 222 (MCL 330.1222), as amended by 2002 PA 596.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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 therefore, as follows:

Roll Call No. 690**Yeas—35**

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

Nays—0**Excused—0****Not Voting—3**

George

Johnson

Leland

In The Chair: President

Senator Hammerstrom moved that Senators George and Johnson be temporarily excused from the balance of today's session.

The motion prevailed.

Senator George entered the Senate Chamber.

Senator Schauer moved that Senator Leland be temporarily excused from the balance of today's session.

The motion prevailed.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 700, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 89a (MCL 211.89a), as added by 1994 PA 189, and by adding section 89b.

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

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 718, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2002 PA 727.

The House of Representatives has concurred in the Senate amendments to the House substitute (H-1).

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

Senate Bill No. 834, entitled

A bill to promote investment in certain businesses; to promote economic development in this state; to provide for a Michigan early stage venture investment corporation; to prescribe the powers and duties of a Michigan early stage venture investment corporation; to prescribe the powers and duties of certain public officers and departments; to establish the Michigan early stage venture investment fund and other funds; to provide for tax credits and incentives; to authorize certain investments; to provide for the expiration of the fund; to provide or allow for appropriations; and to provide penalties and remedies.

The House of Representatives has concurred in the Senate substitute (S-7) to the House substitute (H-1).

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

By unanimous consent the Senate returned to the order of

Conference Reports

Senator Leland entered the Senate Chamber.

Senator Johnson submitted the following:

FIRST CONFERENCE REPORT

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

Senate Bill No. 556, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the House agree to the Substitute of the Senate as passed by the Senate.

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

Shirley Johnson
Kenneth R. Sikkema
Robert L. Emerson
Conferees for the Senate

Marc Shulman
Rick Johnson
Rich Brown
Conferees for the House

Pending the order that, under joint rule 9, the conference report be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 691

Yeas—37

Allen	Clark-Coleman	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Scott

Bernero
Birkholz
Bishop
Brater
Brown
Cassis
Cherry

Emerson
Garcia
George
Gilbert
Goschka
Hammerstrom

Kuipers
Leland
McManus
Olshove
Patterson
Prusi

Sikkema
Stamas
Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

Johnson

Not Voting—0

In The Chair: President

Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:51 p.m.

3:04 p.m.

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

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Hammerstrom moved to reconsider the vote by which the following bill was passed:

House Bill No. 4655, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16186, 16221, and 16226 (MCL 333.16186, 333.16221, and 333.16226), and sections 16186 and 16226 as amended by 2002 PA 643 and section 16221 as amended by 2002 PA 402.

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

The question being on the passage of the bill,

Senator Emerson offered the following amendments:

1. Amend page 13, following line 5, section 20161(1), after the second "fees" by inserting "**and assessments**".
2. Amend page 13, following line 5, section 20161(1), after "following" by striking out "fee".
3. Amend page 13, following line 5, section 20161(1)(g), after "assessment" by striking out "fee".
4. Amend page 13, following line 5, section 20161(1)(h), after "assessment" by striking out "fee".

The amendments were 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. 692**Yeas—31**

Allen	Clark-Coleman	Hardiman	Scott
Barcia	Clarke	Jacobs	Sikkema
Basham	Cropsey	Jelinek	Stamas
Bernero	Emerson	Leland	Switalski
Brater	Garcia	McManus	Thomas
Brown	George	Olshove	Toy
Cassis	Gilbert	Prusi	Van Woerkom
Cherry	Hammerstrom	Schauer	

Nays—6

Birkholz	Goschka	Patterson	Sanborn
Bishop	Kuipers		

Excused—1

Johnson

Not Voting—0

In The Chair: President

Recess

Senator Hammerstrom moved that the Senate recess until 5:00 p.m.
The motion prevailed, the time being 3:10 p.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Cherry.

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

Senate Bill No. 556, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11b, 26a, 68, and 108 (MCL 388.1611, 388.1611b, 388.1626a, 388.1668, and 388.1708), sections 11, 26a, 68, and 108 as amended and section 11b as added by 2003 PA 158.

(For Conference Report, see p. 2327.)

The House of Representatives has adopted the report of the Committee of Conference.

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

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

Senate Bill No. 672

Senate Bill No. 787

Senate Bill No. 849

Senate Bill No. 673

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

Senator Schauer moved that Senator Emerson be temporarily excused from the balance of today’s session.

The motion prevailed.

Senators Johnson and Emerson entered the Senate Chamber.

Senate Bill No. 672, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 2002 PA 603.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 693

Yeas—37

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

Nays—0

Excused—0

Not Voting—1

McManus

In The Chair: President

The Senate agreed to the full title.

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

Senator Hammerstrom moved that Senator McManus be excused from the balance of today’s session. The motion prevailed.

Senate Bill No. 787, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280 (MCL 380.1280), as amended by 1997 PA 180.

The House of Representatives has amended the bill as follows:

- 1. Amend page 4, line 11, after “(9)” by striking out “**If all or some**” and inserting “**Beginning with the 2002-2003 school year, if at least 5%**”.
- 2. Amend page 4, line 25, after “**progress**” by inserting “**for the school year in which the answer sheets were lost**”.
- 3. Amend page 4, line 27, after “**shall**” by striking out “**make every effort possible to**”.
- 4. Amend page 5, line 4, after “**contractor**” by inserting a comma and “**but shall not require a public school or school district to retest pupils or produce scores from another test for this purpose**”.

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

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

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

Roll Call No. 694

Yeas—37

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

Nays—0

Excused—1

McManus

Not Voting—0

In The Chair: President

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

The Senate agreed to the full title.

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

Senate Bill No. 849, entitled

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

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

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. 695**Yeas—37**

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

Nays—0**Excused—1**

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 673, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 4a.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), 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. 696**Yeas—36**

Allen	Cherry	Hammerstrom	Sanborn
Barcia	Clark-Coleman	Hardiman	Schauer
Basham	Clarke	Jacobs	Scott
Bernero	Cropsey	Jelinek	Sikkema
Birkholz	Emerson	Kuipers	Stamas

Bishop
Brater
Brown
Cassis

Garcia
George
Gilbert
Goschka

Leland
Olshove
Patterson
Prusi

Switalski
Thomas
Toy
Van Woerkom

Nays—0

Excused—1

McManus

Not Voting—1

Johnson

In The Chair: President

The Senate agreed to the full title.

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

Senator Hammerstrom moved that Senator Johnson be temporarily excused from the balance of today's session.

The motion prevailed.

Senate Bill No. 811, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

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

The Senate agreed to the full title.

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

Senate Bill No. 845, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 686 (MCL 168.686), as amended by 1999 PA 216.

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

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Thomas introduced

Senate Bill No. 904, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending sections 3, 9, and 11 (MCL 432.3, 432.9, and 432.11), as amended by 1996 PA 167.

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

Senators Allen, Birkholz, Kuipers, Gilbert and Goschka introduced
Senate Bill No. 905, entitled

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending sections 2, 3, 9, 12, and 13 (MCL 29.362, 29.363, 29.369, 29.372, and 29.373), sections 2 and 3 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

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

Senators Allen, Birkholz, Kuipers, Gilbert, Goschka and Prusi introduced
Senate Bill No. 906, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 452.

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

Senators Allen, Birkholz, Kuipers, Gilbert, Goschka and Prusi introduced
Senate Bill No. 907, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 22g.

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

Senators Jelinek, Hardiman, Goschka, Allen, Birkholz, Van Woerkom, Kuipers and Cropsey introduced
Senate Bill No. 908, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7405 (MCL 333.7405), as amended by 1997 PA 153.

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

House Bill No. 4344, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 1 (MCL 125.1651), as amended by 1997 PA 202.

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

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

House Bill No. 4729, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8313, 8314, 8327, 8329, and 8333 (MCL 324.8313, 324.8314, 324.8327, 324.8329, and 324.8333), as amended by 2002 PA 418.

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

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

House Bill No. 4730, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30113 (MCL 324.30113), as amended by 1995 PA 171, and by adding part 33; and to repeal acts and parts of acts.

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

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

House Bill No. 5158, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 45901, 45906, 45908, 48701, 48735, and 48738 (MCL 324.45901, 324.45906, 324.45908, 324.48701, 324.48735, and 324.48738), sections 45901, 45906, 45908, 48735, and 48738 as added by 1995 PA 57 and section 48701 as amended by 2002 PA 434, and by adding part 413.

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

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

House Bill No. 5336, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2000 PA 279.

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

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

House Bill No. 5347, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a.

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

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

House Bill No. 5365, entitled

A bill to repeal 1905 LA 653, entitled "An act to provide the manner of voting by the members of the board of supervisors of Saginaw county."

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

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

House Bill No. 5366, entitled

A bill to repeal 1903 LA 540, entitled "An act to establish a board of county auditors for the county of Saginaw and to prescribe their powers and duties."

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

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

Senator Johnson entered the Senate Chamber.

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

The motion prevailed.

Senator Prusi's statement is as follows:

Senate colleagues, we all know how hard these jobs are when we get on the ballot. You know, we like to think that our jobs are tough, but all of us realize that we couldn't do our jobs without staff. And over these last few months, we have seen a few staff members leave. Those of us on the Democratic Appropriations Committee are going to miss Chris Swope.

Chris is leaving for another job, but he's kind of the glue that holds the committee together when we start to look at these immense budget bills and all the boilerplate and all the line items that have to be analyzed. Chris has found some other employment. He has been with the state for some 12 years. In fact, when I first came down as a member of the House, Chris did my benefit sign-up over in the House personnel office.

Chris has found somewhere else to go. I would like all of you to join me in saying a fond farewell to Chris and wishing him the very best in his new endeavors.

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

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

Senate Bill No. 485

The motion prevailed.

The question being on the motion that consideration of the bill be postponed for today,

Senator Hammerstrom withdrew the motion.

Senate Bill No. 485, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 3a (MCL 552.603a), as amended by 2002 PA 572.

Substitute (H-1).

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

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

Roll Call No. 697**Yeas—35**

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

Nays—0**Excused—1**

McManus

Not Voting—2

Emerson

Johnson

In The Chair: President

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

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Recess

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

The motion prevailed, the time being 5:33 p.m.

6:05 p.m.

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

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

House Bill No. 5255

Senate Bill No. 648

- Senate Bill No. 649**
- Senate Bill No. 650**
- Senate Bill No. 651**
- Senate Bill No. 652**
- Senate Bill No. 698**
- Senate Bill No. 777**

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

House Bill No. 5255, entitled

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 2, line 22, after the second “the” by striking out “**department of treasury**” and inserting “**Michigan economic growth authority**”.

The House of Representatives has concurred in the Senate substitute (S-3) as amended.

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

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

Roll Call No. 698

Yeas—37

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

Nays—0

Excused—1

McManus

Not Voting—0

In The Chair: President

Senate Bill No. 648, entitled

A bill to amend 1917 PA 167, entitled “Housing law of Michigan,” (MCL 125.401 to 125.543) by adding section 85a. The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), 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. 699**Yeas—37**

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

Nays—0**Excused—1**

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 649, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7401c (MCL 333.7401c), as added by 2000 PA 314.

The House of Representatives has amended the bill as follows:

1. Amend page 4, following line 25, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2004.”.

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

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

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

Roll Call No. 700**Yeas—35**

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

Nays—2

Emerson

Leland

Excused—1

McManus

Not Voting—0

In The Chair: President

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

The Senate agreed to the full title.

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

Senate Bill No. 650, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as added by 1994 PA 38.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 25, by striking out "January 31" and inserting "April 1".

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

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

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

Roll Call No. 701**Yeas—37**

Allen

Clark-Coleman

Hardiman

Sanborn

Barcia

Clarke

Jacobs

Schauer

Basham

Cropsey

Jelinek

Scott

Bernero

Emerson

Johnson

Sikkema

Birkholz

Garcia

Kuipers

Stamas

Bishop

George

Leland

Switalski

Brater

Gilbert

Olshove

Thomas

Brown

Goschka

Patterson

Toy

Cassis

Hammerstrom

Prusi

Van Woerkom

Cherry

Nays—0**Excused—1**

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 651, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as added by 2002 PA 30.

The House of Representatives has amended the bill as follows:

1. Amend page 2, line 30, by striking out "January 31" and inserting "April 1".

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

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

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

Roll Call No. 702

Yeas—37

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

Nays—0

Excused—1

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 652, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 502d. The House of Representatives has amended the bill as follows:

1. Amend page 1, line 11, by striking out "January 31" and inserting "April 1".

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

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

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

Roll Call No. 703**Yeas—37**

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

Nays—0**Excused—1**

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 698, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2002 PA 711.

The House of Representatives has amended the bill as follows:

1. Amend page 5, following line 37, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2004.”.

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

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

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

Roll Call No. 704**Yeas—33**

Allen	Cherry	Hardiman	Sanborn
Barcia	Clarke	Jacobs	Schauer
Basham	Cropsey	Jelinek	Sikkema
Bernero	Garcia	Johnson	Stamas
Birkholz	George	Kuipers	Switalski
Bishop	Gilbert	Olshove	Thomas
Brater	Goschka	Patterson	Toy
Brown	Hammerstrom	Prusi	Van Woerkom
Cassis			

Nays—4

Clark-Coleman

Emerson

Leland

Scott

Excused—1

McManus

Not Voting—0

In The Chair: President

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

Senate Bill No. 777, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2002 PA 320.

The House of Representatives has amended the bill as follows:

1. Amend page 3, following line 28, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2004."

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

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

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

Roll Call No. 705**Yeas—37**

Allen

Clark-Coleman

Hardiman

Sanborn

Barcia

Clarke

Jacobs

Schauer

Basham

Cropsey

Jelinek

Scott

Bernero

Emerson

Johnson

Sikkema

Birkholz

Garcia

Kuipers

Stamas

Bishop

George

Leland

Switalski

Brater

Gilbert

Olshove

Thomas

Brown

Goschka

Patterson

Toy

Cassis

Hammerstrom

Prusi

Van Woerkom

Cherry

Nays—0**Excused—1**

McManus

Not Voting—0

In The Chair: President

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

House Bill No. 4655, 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 provide for an appropriation and supplements; 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 the title and sections 16186, 16221, 16226, and 20161 (MCL 333.16186, 333.16221, 333.16226, and 333.20161), the title as amended by 2002 PA 303, sections 16186 and 16226 as amended by 2002 PA 643, section 16221 as amended by 2002 PA 402, and section 20161 as amended by 2003 PA 113, and by adding section 16193.

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

1. Amend page 13, following line 8, by striking out all of enacting sections 2 and 3 and inserting:

“Enacting section 2. (1) Section 20161 as amended by this amendatory act is curative and intended to express the original intent of the legislature regarding the application of 2002 PA 303 and 2002 PA 562, as amended by 2003 PA 113. (2) Section 20161 as amended by this amendatory act is retroactive and is effective for all quality assurance assessments made after May 9, 2002.”.

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

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Hammerstrom moved that the rule be suspended.

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

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

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

Roll Call No. 706

Yeas—31

Allen	Clark-Coleman	Hardiman	Scott
Barcia	Clarke	Jacobs	Sikkema
Basham	Cropsey	Jelinek	Stamas
Bernero	Emerson	Johnson	Switalski
Brater	Garcia	Leland	Thomas
Brown	George	Olshove	Toy
Cassis	Gilbert	Prusi	Van Woerkom
Cherry	Hammerstrom	Schauer	

Nays—6

Birkholz	Goschka	Patterson	Sanborn
Bishop	Kuipers		

Excused—1

McManus

Not Voting—0

In The Chair: President

Senate Bill No. 852, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 51e (MCL 206.51e), as added by 1999 PA 5.

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

The Senate agreed to the full title.

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

Conference Reports

House Bill No. 4367, entitled

A bill to make, supplement, and adjust appropriations for the legislative branch, the judicial branch, capital outlay, and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

FIRST CONFERENCE REPORT

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

House Bill No. 4367, entitled

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

Recommends:

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

A bill to make, supplement, and adjust appropriations for the legislative branch, the judicial branch, capital outlay, and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS FOR

FISCAL YEAR 2003-2004

Sec. 101. There is appropriated for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2004, from the following funds:

APPROPRIATION SUMMARY:

Full-time equated classified positions	90.0		
GROSS APPROPRIATION		\$	316,810,300
Total interdepartmental grants and intradepartmental transfers		\$	0
ADJUSTED GROSS APPROPRIATION		\$	316,810,300
Total federal revenues			183,753,200
Total local revenues			250,000
Total private revenues			0

	For Fiscal Year Ending Sept. 30, 2004
Total other state restricted revenues	50,787,400
State general fund/general purpose	\$ 82,019,700
Sec. 102. DEPARTMENT OF AGRICULTURE	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 448,000
Total interdepartmental grants and intradepartmental transfers	(100,000)
ADJUSTED GROSS APPROPRIATION	\$ 548,000
Total federal revenues	350,000
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	198,000
State general fund/general purpose	\$ 0
(2) ANIMAL INDUSTRY	
Bovine tuberculosis program.....	\$ 350,000
GROSS APPROPRIATION	\$ 350,000
Appropriated from:	
Federal revenues:	
DAG, multiple grants	350,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(3) ENVIRONMENTAL STEWARDSHIP	
Environmental stewardship	\$ (100,000)
Farmland and open space preservation	170,000
GROSS APPROPRIATION	\$ 70,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDEQ, aquifer dispute resolution	(100,000)
Special revenue funds:	
Agricultural preservation fund	170,000
State general fund/general purpose	\$ 0
(4) MARKET DEVELOPMENT	
Agriculture development, marketing and emergency management	\$ 28,000
GROSS APPROPRIATION	\$ 28,000
Appropriated from:	
Special revenue funds:	
Licensing and inspection fees	28,000
State general fund/general purpose	\$ 0
Sec. 103. DEPARTMENT OF ATTORNEY GENERAL	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 688,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 688,000
Total federal revenues	28,000
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 660,000
(2) ATTORNEY GENERAL OPERATIONS	
Prosecuting attorneys coordinating council	\$ 28,000
Special prosecutions	660,000
GROSS APPROPRIATION	\$ 688,000
Appropriated from:	
Federal revenues:	
Federal funds	28,000
Special revenue funds:	
State general fund/general purpose	\$ 660,000

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2004

Sec. 104. CAPITAL OUTLAY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	20,400,200
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	20,400,200
Total federal revenues		4,300,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		16,100,000
State general fund/general purpose	\$	200

(2) DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Camp Grayling, electrical service upgrades, for design and construction (total project cost \$2,800,000; federal share \$2,800,000)	\$	2,800,000
Pontiac readiness center, addition and renovations, for design and construction (total project cost \$1,500,000; federal share \$1,500,000)		1,500,000
GROSS APPROPRIATION	\$	<u>4,300,000</u>

Appropriated from:

Federal funds:

DOD - department of the army - national guard bureau		4,300,000
State general fund/general purpose	\$	0

(3) STATE BUILDING AUTHORITY FINANCED CONSTRUCTION PROJECTS

Department of management and budget - capitol complex renovations, authorized for design and construction (total authorized cost \$27,563,300; state building authority share \$27,563,200; state general fund share \$100)	\$	100
Kellogg Community College Roll building renovation project authorized for planning in 2002 PA 746, for design and construction (total authorized project cost \$4,500,000; state building authority share \$1,624,800; Kellogg Community College share \$2,875,000; state general fund share \$200)		100
GROSS APPROPRIATION	\$	<u>200</u>

Appropriated from:

Special revenue funds:

State general fund/general purpose	\$	200
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(4) STATE BUILDING AUTHORITY RENT

State building authority rent - state agencies	\$	12,000,000
GROSS APPROPRIATION	\$	<u>12,000,000</u>

Appropriated from:

Special revenue funds:

CMRS emergency telephone fund		12,000,000
State general fund/general purpose	\$	0

(5) DEPARTMENT OF TRANSPORTATION

AERONAUTICS FUND: AIRPORT PROGRAMS

Airport safety and protection plan	\$	4,100,000
GROSS APPROPRIATION	\$	<u>4,100,000</u>

Appropriated from:

Special revenue funds:

State aeronautics fund		4,100,000
State general fund/general purpose	\$	0

Sec. 105. DEPARTMENT OF CAREER DEVELOPMENT

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	1,087,100
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	1,087,100
Total federal revenues		1,087,100
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		0
State general fund/general purpose	\$	0

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(2) WORKFORCE DEVELOPMENT	
Employment training services	\$ 225,000
GROSS APPROPRIATION	\$ 225,000
Appropriated from:	
Federal revenues:	
DOL-ODEP.....	225,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(3) DEPARTMENT GRANTS	
Technology assistance grants	\$ 862,100
GROSS APPROPRIATION	\$ 862,100
Appropriated from:	
Federal revenues:	
DED-OSERS, state grants for technical related assistance.....	862,100
Special revenue funds:	
State general fund/general purpose	\$ 0
Sec. 106. DEPARTMENT OF COMMUNITY HEALTH	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 238,881,700
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION.....	\$ 238,881,700
Total federal revenues	138,677,700
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	704,000
State general fund/general purpose	\$ 99,500,000
(2) LOCAL HEALTH ADMINISTRATION AND GRANTS	
Lead abatement program.....	\$ 289,500
GROSS APPROPRIATION	\$ 289,500
Appropriated from:	
Special revenue funds:	
Total other state restricted revenues	289,500
State general fund/general purpose	\$ 0
(3) CRIME VICTIM SERVICES COMMISSION	
Grants administration services	\$ 414,500
GROSS APPROPRIATION	\$ 414,500
Appropriated from:	
Special revenue funds:	
Total other state restricted revenues	414,500
State general fund/general purpose	\$ 0
(4) MEDICAL SERVICES	
Hospital services and therapy	\$ 55,000,000
Pharmaceutical services	78,377,700
Home health services	4,300,000
Ambulance services	6,000,000
Long-term care services	40,000,000
Health plan services.....	55,000,000
GROSS APPROPRIATION	\$ 238,677,700
Appropriated from:	
Federal revenues:	
Total federal revenues	138,677,700
Special revenue funds:	
State general fund/general purpose	\$ 100,000,000
(5) BUDGETARY SAVINGS	
Budgetary savings.....	\$ (500,000)
GROSS APPROPRIATION	\$ (500,000)

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2004

Appropriated from:		
Special revenue funds:		
State general fund/general purpose	\$	(500,000)
Sec. 107. DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES		
(1) APPROPRIATION SUMMARY		
GROSS APPROPRIATION	\$	1,820,000
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	1,820,000
Total federal revenues		1,820,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		3,000,000
State general fund/general purpose	\$	(3,000,000)
(2) EXECUTIVE DIRECTION		
Energy office	\$	1,270,000
GROSS APPROPRIATION	\$	1,270,000
Appropriated from:		
Federal revenues:		
DOE-OEERE, multiple grants		1,270,000
Special revenue funds:		
State general fund/general purpose	\$	0
(3) PUBLIC SERVICE COMMISSION		
Administration, planning, and regulation	\$	550,000
GROSS APPROPRIATION	\$	550,000
Appropriated from:		
Federal revenues:		
DOT-RSPA, gas pipeline safety		550,000
Special revenue funds:		
State general fund/general purpose	\$	0
(4) TAX TRIBUNAL		
Operations	\$	350,000
GROSS APPROPRIATION	\$	350,000
Appropriated from:		
Special revenue funds:		
Securities fees		350,000
State general fund/general purpose	\$	0
(5) SAFETY AND REGULATION		
Occupational safety and health	\$	(350,000)
GROSS APPROPRIATION	\$	(350,000)
Appropriated from:		
Special revenue funds:		
Securities fees		(350,000)
State general fund/general purpose	\$	0
(6) MANAGEMENT SERVICES		
Administrative services	\$	0
Rent		0
Building occupancy charges - property development services		0
Worker's compensation		0
GROSS APPROPRIATION	\$	0
Appropriated from:		
Special revenue funds:		
Securities fees	\$	(2,000,000)
Insurance licensing and regulation fees		2,000,000
State general fund/general purpose	\$	0
(7) OFFICE OF FINANCIAL AND INSURANCE SERVICES		
Policy conduct and consumer assistance	\$	0
GROSS APPROPRIATION	\$	0

	For Fiscal Year Ending Sept. 30, 2004
Appropriated from:	
Special revenue funds:	
Securities fees	\$ (1,000,000)
Insurance licensing and regulation fees.....	1,000,000
State general fund/general purpose	\$ 0
(8) EMPLOYMENT RELATIONS	
Fact finding and arbitration.....	\$ 0
Employment and labor relations.....	0
GROSS APPROPRIATION	\$ 0
Appropriated from:	
Special revenue funds:	
Securities fees.....	\$ 3,000,000
State general fund/general purpose	\$ (3,000,000)
Sec. 108. DEPARTMENT OF CORRECTIONS	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ (12,689,900)
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ (12,689,900)
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	4,198,300
State general fund/general purpose	\$ (16,888,200)
(2) EXECUTIVE	
Sheriffs' coordinatng and training office.....	\$ 4,000,000
GROSS APPROPRIATION	\$ 4,000,000
Appropriated from:	
Special revenue funds:	
Local corrections officer training fund.....	4,000,000
State general fund/general purpose	\$ 0
(3) NORTHERN REGION CORRECTIONAL FACILITIES	
Alger maximum correctional facility - Munising	\$ 1,900
Baraga maximum correctional facility - Baraga	8,000
Kinross correctional facility - Kincheloe	13,300
Newberry correctional facility - Newberry.....	200
Oaks correctional facility - Eastlake	13,200
Ojibway correctional facility - Marenisco.....	2,700
Pugsley correctional facility - Kingsley	9,900
Standish maximum correctional facility - Standish	5,400
GROSS APPROPRIATION	\$ 54,600
Appropriated from:	
Special revenue funds:	
Camps public works user fees.....	54,600
State general fund/general purpose	\$ 0
(4) SOUTHEASTERN REGION CORRECTIONAL FACILITIES	
Cooper street correctional facility - Jackson	\$ 400
Gus Harrison correctional facility - Adrian	61,300
Thumb correctional facility - Lapeer.....	24,500
GROSS APPROPRIATION	\$ 86,200
Appropriated from:	
Special revenue funds:	
Camps public works user fees.....	86,200
State general fund/general purpose	\$ 0
(5) SOUTHWESTERN REGION CORRECTIONAL FACILITIES	
Carson City correctional facility - Carson City	\$ 50,600
Florence Crane correctional facility - Coldwater	5,600

	For Fiscal Year Ending Sept. 30, 2004
Deerfield correctional facility - Ionia.....	1,300
GROSS APPROPRIATION	\$ 57,500
Appropriated from:	
Special revenue funds:	
Camps public works user fees.....	57,500
State general fund/general purpose	\$ 0
(6) BUDGETARY SAVINGS	
Budgetary savings.....	\$ (14,888,200)
GROSS APPROPRIATION	\$ (14,888,200)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (14,888,200)
(7) CORRECTIONAL FACILITIES ADMINISTRATION	
Academic/vocational programs	\$ (2,000,000)
GROSS APPROPRIATION	\$ (2,000,000)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (2,000,000)
Sec. 109. DEPARTMENT OF EDUCATION	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 332,800
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 332,800
Total federal revenues	42,800
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	290,000
State general fund/general purpose	\$ 0
(2) INFORMATION TECHNOLOGY SERVICES	
Information technology operations.....	\$ 42,800
GROSS APPROPRIATION	\$ 42,800
Appropriated from:	
Federal revenues:	
Total federal revenues	42,800
State general fund/general purpose	\$ 0
(3) OFFICE OF SCHOOL EXCELLENCE	
School excellence operations	\$ 221,000
GROSS APPROPRIATION	\$ 221,000
Appropriated from:	
Special revenue funds:	
Certification fees.....	221,000
State general fund/general purpose	\$ 0
(4) GOVERNMENT SERVICES	
Government services operations.....	\$ 49,900
GROSS APPROPRIATION	\$ 49,900
Appropriated from:	
Special revenue funds:	
Certification fees.....	49,900
State general fund/general purpose	\$ 0
(5) SAFE SCHOOLS AND ADMINISTRATIVE LAW	
Safe school operations	\$ 19,100
GROSS APPROPRIATION	\$ 19,100
Appropriated from:	
Special revenue funds:	
Certification fees.....	19,100
State general fund/general purpose	\$ 0

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Sec. 110. DEPARTMENT OF ENVIRONMENTAL QUALITY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	15,365,500
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	15,365,500
Total federal revenues		2,090,000
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		13,275,500
State general fund/general purpose	\$	0

(2) DEPARTMENT SUPPORT SERVICES

Building occupancy charges	\$	1,907,100
Rent-privately owned property		128,400
GROSS APPROPRIATION	\$	<u>2,035,500</u>

Appropriated from:

Special revenue funds:

Air emissions fees		193,800
Cleanup and redevelopment fund		30,600
Groundwater discharge permit fees		50,000
NPDES fees		90,700
Oil and gas regulatory fund		162,200
Scrap tire regulatory fund		10,700
Sewage sludge land application fee		38,800
Stormwater permit fees		171,200
Waste reduction fee revenue		1,100,000
Water analysis fees		187,500
State general fund/general purpose	\$	0

(3) AIR QUALITY

Air quality programs	\$	880,000
GROSS APPROPRIATION	\$	<u>880,000</u>

Appropriated from:

Federal revenues:

EPA-multiple		880,000
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Special revenue funds:

State general fund/general purpose	\$	0
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(4) WASTE AND HAZARDOUS MATERIALS

Medical waste program	\$	240,000
GROSS APPROPRIATION	\$	<u>240,000</u>

Appropriated from:

Special revenue funds:

Medical waste emergency response fund		240,000
State general fund/general purpose	\$	0

(5) WATER

Aquifer protection and dispute resolution	\$	(200,000)
Aquifer protection revolving fund		100,000
GROSS APPROPRIATION	\$	<u>(100,000)</u>

Appropriated from:

Special revenue funds:

Settlement funds		500,000
Clean Michigan initiative fund - clean water fund		(400,000)
Groundwater and freshwater protection fund		(200,000)
State general fund/general purpose	\$	0

(6) CRIMINAL INVESTIGATIONS

Environmental investigations	\$	210,000
GROSS APPROPRIATION	\$	<u>210,000</u>

For Fiscal Year
Ending Sept. 30,
2004

Appropriated from:	
Federal revenues:	
DHS, federal	210,000
Special revenue funds:	
State general fund/general purpose	\$ 0
(7) INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 1,100,000
GROSS APPROPRIATION	\$ 1,100,000
Appropriated from:	
Special revenue funds:	
Waste reduction fee revenue	1,100,000
State general fund/general purpose	\$ 0
(8) GRANTS	
Water pollution control and drinking water revolving fund	\$ 10,000,000
GROSS APPROPRIATION	\$ 10,000,000
Appropriated from:	
Special revenue funds:	
Strategic water quality initiatives fund	10,000,000
State general fund/general purpose	\$ 0
(9) ENVIRONMENTAL SCIENCE AND SERVICES	
Revitalization revolving loan fund	\$ 1,000,000
GROSS APPROPRIATION	\$ 1,000,000
Appropriated from:	
Federal revenues:	
Brownfield cleanup revolving loan fund	1,000,000
Special revenue funds:	
State general fund/general purpose	\$ 0
Sec. 111. FAMILY INDEPENDENCE AGENCY	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 33,976,900
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 33,976,900
Total federal revenues	34,476,900
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ (500,000)
(2) EXECUTIVE OPERATIONS	
Salaries and wages	\$ 3,594,500
Contractual services, supplies, and materials	1,405,500
GROSS APPROPRIATION	\$ 5,000,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 5,000,000
(3) CENTRAL SUPPORT ACCOUNTS	
Rent	\$ 2,000,000
Grand tower reimbursement	518,200
Worker's compensation	1,206,300
GROSS APPROPRIATION	\$ 3,724,500
Appropriated from:	
Federal revenues:	
Total federal revenues	1,724,500
State general fund/general purpose	\$ 2,000,000
(4) PUBLIC ASSISTANCE	
Day care services	\$ 5,000,000
GROSS APPROPRIATION	\$ 5,000,000

For Fiscal Year
Ending Sept. 30,
2004

Appropriated from:	
Federal revenues:	
Total federal revenues	16,058,900
State general fund/general purpose	\$ (11,058,900)
(5) INFORMATION TECHNOLOGY	
Child support automation	\$ 9,600,000
Information technology services and projects	6,820,200
Client services system	1,846,100
Data system enhancement	2,486,100
GROSS APPROPRIATION	\$ 20,752,400
Appropriated from:	
Federal revenues:	
Total federal revenues	16,693,500
State general fund/general purpose	\$ 4,058,900
(6) BUDGETARY SAVINGS	
Budgetary savings	\$ (500,000)
GROSS APPROPRIATION	\$ (500,000)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (500,000)
Sec. 112. HIGHER EDUCATION	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 80,700
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 80,700
Total federal revenues	80,700
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0
(2) GRANTS AND FINANCIAL AID	
State competitive scholarships	\$ 80,700
GROSS APPROPRIATION	\$ 80,700
Appropriated from:	
Federal revenues:	
Higher education act of 1965, title IV, 20 USC	80,700
State general fund/general purpose	\$ 0
Sec. 113. JUDICIARY	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ (500,000)
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ (500,000)
Total federal revenues	0
Total local revenues	250,000
Total private revenues	0
Total other state restricted revenues	350,000
State general fund/general purpose	\$ (1,100,000)
(2) SUPREME COURT	
Direct trial court automation support	\$ 250,000
GROSS APPROPRIATION	\$ 250,000
Appropriated from:	
Special revenue funds:	
Local - user fees	250,000
State general fund/general purpose	\$ 0
(3) BRANCHWIDE APPROPRIATIONS	
Branchwide appropriations	\$ (250,000)
GROSS APPROPRIATION	\$ (250,000)

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Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (250,000)
(4) TRIAL COURT OPERATIONS	
Court equity fund reimbursements	\$ 0
GROSS APPROPRIATION	\$ 0
Appropriated from:	
Special revenue funds:	
Court equity fund.....	\$ 350,000
State general fund/general purpose	\$ (350,000)
(5) JUDICIARY REDUCTIONS	
Judiciary reductions	\$ (500,000)
GROSS APPROPRIATION	\$ (500,000)
Appropriated from:	
State general fund/general purpose	\$ (500,000)
Sec. 114. LEGISLATURE	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ (1,249,600)
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ (1,249,600)
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ (1,249,600)
(2) LEGISLATURE	
Senate	\$ (335,200)
Senate automated data processing	(37,000)
Senate fiscal agency	(44,200)
House of representatives	(431,000)
House automated data processing	(28,400)
House fiscal agency	(41,600)
Legislative auditor general	(171,400)
GROSS APPROPRIATION	\$ (1,088,800)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (1,088,800)
(3) LEGISLATIVE COUNCIL	
Legislative council	\$ (137,200)
Legislative service bureau automated data processing	(20,100)
Worker's compensation	(2,000)
National association dues	(1,500)
GROSS APPROPRIATION	\$ (160,800)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (160,800)
Sec. 115. DEPARTMENT OF MANAGEMENT AND BUDGET	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 300,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 300,000
Total federal revenues	300,000
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2004

(2) MANAGEMENT AND BUDGET SERVICES	
Homeland security grant program	\$ 300,000
GROSS APPROPRIATION	\$ 300,000
Appropriated from:	
Federal revenues:	
Federal department of homeland security	300,000
Special revenue funds:	
State general fund/general purpose	\$ 0
Sec. 116. DEPARTMENT OF MILITARY AND VETERANS AFFAIRS	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 970,000
Total interdepartmental grants and intradepartmental transfers	100,000
ADJUSTED GROSS APPROPRIATION	\$ 870,000
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	770,000
State general fund/general purpose	\$ 100,000
(2) HEADQUARTERS AND ARMORIES	
Headquarters and armories	\$ 100,000
Homeland security	100,000
GROSS APPROPRIATION	\$ 200,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG-DCH	100,000
Special revenue funds:	
State general fund/general purpose	\$ 100,000
(3) GRAND RAPIDS VETERANS' HOME	
Grand Rapids veterans' home	\$ 570,000
GROSS APPROPRIATION	\$ 570,000
Appropriated from:	
Special revenue funds:	
Income and assessments	570,000
State general fund/general purpose	\$ 0
(4) D.J. JACOBETTI VETERANS' HOME	
D.J. Jacobetti veterans' home	\$ 200,000
GROSS APPROPRIATION	\$ 200,000
Appropriated from:	
Special revenue funds:	
Income and assessments	200,000
State general fund/general purpose	\$ 0
Sec. 117. DEPARTMENT OF NATURAL RESOURCES	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 2,275,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 2,275,000
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	2,275,000
State general fund/general purpose	\$ 0
(2) EXECUTIVE	
Education and outreach	\$ 25,000
GROSS APPROPRIATION	\$ 25,000
Appropriated from:	
Special revenue funds:	
Youth hunting and fishing education and outreach fund	25,000
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2004

(3) GRANTS	
Snowmobile local grants program.....	\$ 2,250,000
GROSS APPROPRIATION	\$ 2,250,000
Appropriated from:	
Special revenue funds:	
Snowmobile trail improvement fund	2,250,000
State general fund/general purpose	\$ 0
Sec. 118. DEPARTMENT OF STATE	
(1) APPROPRIATION SUMMARY	
Full-time equated classified positions	1.0
GROSS APPROPRIATION	\$ 255,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 255,000
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 255,000
(2) CUSTOMER DELIVERY SERVICES	
Full-time equated classified positions	1.0
Customer services administration—1.0 FTE position.....	\$ 55,000
GROSS APPROPRIATION	\$ 55,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 55,000
(3) INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 200,000
GROSS APPROPRIATION	\$ 200,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 200,000
Sec. 119. DEPARTMENT OF STATE POLICE	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 6,100,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 6,100,000
Total federal revenues	\$ 0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	6,100,000
State general fund/general purpose	\$ 0
(2) UNIFORM SERVICES	
At-post troopers	\$ 6,100,000
GROSS APPROPRIATION	\$ 6,100,000
Appropriated from:	
Special revenue funds:	
Traffic law enforcement and safety fund	6,100,000
State general fund/general purpose	\$ 0
Sec. 119a. DEPARTMENT OF TREASURY	
(1) APPROPRIATION SUMMARY	
Full-time equated classified positions	89.0
GROSS APPROPRIATION	\$ 11,482,300
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 11,482,300
Total federal revenues	500,000
Total local revenues	0

	For Fiscal Year Ending Sept. 30, 2004
Total private revenues	0
Total other state restricted revenues	6,740,000
State general fund/general purpose	\$ 4,242,300
(2) LOCAL GOVERNMENT PROGRAMS	
Full-time equated classified positions4.0	
Local finance—4.0 FTE positions.....	\$ 800,000
GROSS APPROPRIATION	\$ 800,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 800,000
(3) TAX PROGRAMS	
Full-time equated classified positions49.0	
Home heating assistance	\$ 400,000
Tax compliance—49.0 FTE positions.....	3,500,000
Tax processing	800,000
GROSS APPROPRIATION	\$ 4,700,000
Appropriated from:	
Federal revenues:	
HHS-SSA, low-income energy assistance	400,000
Special revenue funds:	
Delinquent tax collection revenue	3,500,000
State general fund/general purpose	\$ 800,000
(4) BANKING AND MANAGEMENT SERVICES	
Full-time equated classified positions36.0	
Finance and administration	\$ 640,000
Collections—36.0 FTE positions	2,750,000
GROSS APPROPRIATION	\$ 3,390,000
Appropriated from:	
Special revenue funds:	
Delinquent tax collection revenue	2,050,000
Justice system fund.....	640,000
State general fund/general purpose	\$ 700,000
(5) GRANTS	
Special grants.....	\$ 1,542,300
GROSS APPROPRIATION	\$ 1,542,300
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 1,542,300
(6) INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 950,000
GROSS APPROPRIATION	\$ 950,000
Appropriated from:	
Special revenue funds:	
Delinquent tax collection revenue	550,000
State general fund/general purpose	\$ 400,000
(7) FINANCIAL PROGRAMS	
Michigan merit awards board/MEAP administration.....	\$ 100,000
GROSS APPROPRIATION	\$ 100,000
Appropriated from:	
Federal revenues:	
NEAP.....	100,000
Special revenue funds:	
State general fund/general purpose	\$ 0
Sec. 119b. DEPARTMENT OF TRANSPORTATION	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ (3,213,400)

	For Fiscal Year Ending Sept. 30, 2004
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ (3,213,400)
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	(3,213,400)
State general fund/general purpose	\$ 0
(2) DEBT SERVICE	
Airport safety and protection plan.....	\$ (3,213,400)
GROSS APPROPRIATION	\$ (3,213,400)
Appropriated from:	
Special revenue funds:	
State aeronautics fund.....	(3,213,400)
State general fund/general purpose	\$ 0

PART 1A
LINE-ITEM APPROPRIATIONS FOR
FISCAL YEAR 2002-2003

Sec. 120. There is appropriated for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2003, from the following funds:

APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$ 89,857,000
Total interdepartmental grants and intradepartmental transfers	\$ 0
ADJUSTED GROSS APPROPRIATION	\$ 89,857,000
Total federal revenues	34,408,900
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	55,448,100
State general fund/general purpose	\$ 0

Sec. 121. DEPARTMENT OF COMMUNITY HEALTH

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$ 86,857,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 86,857,000
Total federal revenues	34,408,900
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	52,448,100
State general fund/general purpose	\$ 0

(2) COMMUNITY MENTAL HEALTH/SUBSTANCE ABUSE SERVICES

PROGRAMS

Medicaid mental health services	\$ (10,116,900)
Community mental health non-Medicaid services	39,172,400
GROSS APPROPRIATION	\$ 29,055,500
Appropriated from:	
Special revenue funds:	
Total other state restricted revenues	12,615,700
State general fund/general purpose	\$ 16,439,800

(3) STATE PSYCHIATRIC HOSPITALS, CENTERS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, AND FORENSIC AND PRISON MENTAL HEALTH SERVICES

Northville psychiatric hospital - adult.....	\$ 1,567,000
GROSS APPROPRIATION	\$ 1,567,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 1,567,000

	For Fiscal Year Ending Sept. 30, 2003
(4) MEDICAL SERVICES	
Hospital services and therapy	\$ 22,014,800
Home health services	7,398,500
Auxiliary medical services	6,678,200
Long-term care services	38,149,800
MIFamily plan	(18,006,800)
GROSS APPROPRIATION	\$ 56,234,500
Appropriated from:	
Federal revenues:	
Total federal revenues	34,408,900
Special revenue funds:	
Total other state restricted revenues	39,832,400
State general fund/general purpose	\$ (18,006,800)
Sec. 122. HIGHER EDUCATION	
(1) APPROPRIATION SUMMARY	
GROSS APPROPRIATION	\$ 3,000,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 3,000,000
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	3,000,000
State general fund/general purpose	\$ 0
(2) GRANTS AND FINANCIAL AID	
Michigan merit award program	\$ 3,000,000
GROSS APPROPRIATION	\$ 3,000,000
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund	3,000,000
State general fund/general purpose	\$ 0

PART 2
PROVISIONS CONCERNING APPROPRIATIONS FOR
FISCAL YEAR 2003-2004

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending under part 1 for fiscal year 2003-2004 is \$132,807,100.00. State payments to local units of government under part 1 are \$1,542,300.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF TREASURY

Special grants to cities	\$ 1,542,300
TOTAL PAYMENTS TO LOCAL UNITS OF GOVERNMENT	1,542,300

Sec. 202. The appropriations made and the expenditures authorized under this part and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. (1) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings realized from the hiring freeze imposed on the state classified civil service for the fiscal year ending September 30, 2004, efficiencies, lapses, unclassified positions, and other administrative savings that do not jeopardize essential state services identified by department directors and approved by the state budget director.

(2) Appropriation authorization adjustments required to implement negative appropriations for 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. 204. Temporary state fiscal relief funds received under section 401(b) of title IV of the jobs and growth tax relief reconciliation act or 2003, Public Law 108-27, for the fiscal year ending September 30, 2004 shall be deposited in the general fund as general purpose revenue and shall be expended to support essential state services provided by the Michigan state police.

DEPARTMENT OF ATTORNEY GENERAL

Sec. 221. From the prisoner reimbursement funds appropriated in part 1 of 2003 PA 161, the department may spend up to \$301,700.00 on activities related to the state correctional facilities reimbursement act, 1935 PA 253, MCL 800.401 to 800.406. If the department collects in excess of \$1,131,000.00 in prisoner reimbursements, the excess, provided to

the general fund up to a maximum of \$800,000.00, is appropriated and shall be spent on defense of litigation against the state, its departments, or employees in civil actions filed by prisoners.

Sec. 222. Funds appropriated in part 1 for special prosecutions may only be used to pay costs arising from investigations of intermediate school districts and any subsequent action taken as a result of the investigations.

CAPITAL OUTLAY

Sec. 225. The total project cost for the Schoolcraft College's business and industry training center and Waterman center renovation project authorized in 2000 PA 506 is increased from \$26,738,000.00 to \$27,916,500.00. The state building authority share remains \$13,368,800.00; the state general fund/general purpose share remains \$200.00; and the college share is increased from \$13,369,000.00 to \$14,547,500.00.

Sec. 226. The appropriations in part 1 for department of military and veterans affairs design and construction projects are contingent upon the availability of federal funds for financing. If a state match is required for the Pontiac readiness center project, the department is authorized to match this project through the use of existing capital outlay appropriations to the department.

Sec. 227. The following prior year capital outlay general fund/general purpose accounts for airport improvement programs shall be reduced by the amounts indicated:

- (a) 1998 PA 38 airport improvement program (\$703,658).
- (b) 1999 PA 265 airport improvement program (\$3,383,710).
- (c) 1999 PA 265 airport improvement program (\$12,632).

DEPARTMENT OF CAREER DEVELOPMENT

Sec. 231. For the fiscal year ending September 30, 2004, there is appropriated from the tobacco settlement trust fund to the general fund the amount of \$1,000,000.00.

COMMUNITY COLLEGES

Sec. 251. (1) A community college certifying to the state budget director by June 30, 2004 that it did not adopt an increase in tuition and fee rates after December 1, 2003 for the 2003-2004 academic year and that it will not adopt tuition and fee rate increases for the 2004-2005 academic year that exceed the projected fiscal year 2005 increase in the Detroit consumer price index as determined at the January 2004 consensus revenue estimating conference shall be paid in the fiscal year ending September 30, 2004 from state general fund/general purpose revenues an additional state aid allocation as follows:

Alpena Community College	\$	147,900
Bay de Noc Community College.....		143,000
Delta College		400,000
Glen Oaks Community College.....		67,100
Gogebic Community College		122,400
Grand Rapids Community College.....		503,100
Henry Ford Community College		613,100
Jackson Community College.....		339,400
Kalamazoo Valley Community College		346,300
Kellogg Community College.....		272,100
Kirtland Community College		82,600
Lake Michigan College		146,400
Lansing Community College.....		870,000
Macomb Community College.....		928,200
Mid Michigan Community College.....		123,800
Monroe County Community College.....		120,500
Montcalm Community College		87,100
C.S. Mott Community College.....		439,900
Muskegon Community College		250,300
North Central Michigan College		84,800
Northwestern Michigan College.....		255,400
Oakland Community College		585,600
St. Clair County Community College.....		196,100
Schoolcraft College.....		343,700
Southwestern Michigan College.....		184,500
Washtenaw Community College.....		349,300
Wayne County Community College		451,500
West Shore Community College		64,300

(2) The state budget director shall implement a reporting requirement to ensure that a community college receiving an allocation under this section has satisfied its tuition restraint requirements.

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

Sec. 271. From the funds appropriated in section 103 of 2003 PA 167 for the purposes of leasing space to operate an unemployment office, the department of consumer and industry services, due to the consolidation of operations for the purpose of increasing agency efficiencies, shall not expend funds for rental payments or operational expenses for leased premises, 90 days after this act takes effect, at the following locations:

- (1) 10296-Alpena: 315 West Chisholm Street, Alpena, MI 49707-2420
- (2) 10506-Traverse City: 1209 South Garfield, Traverse City, MI 49696
- (3) 10471-Petoskey: 2225 Summit Park Drive, Petoskey, MI 49770
- (4) 10470-Manistee: 1560 U.S. 31 South, Manistee, MI 49660
- (5) 10505-Ionia: 309 West Adams Street, Ionia, MI 48846
- (6) 10502-Holland: 710 Chicago Drive, Holland, MI 49424
- (7) 10687-Adrian: 1040 S. Winter Street, Adrian, MI 49221
- (8) 10668-Fremont: 4747 West 48th Street, Fremont, MI 49412

DEPARTMENT OF CORRECTIONS

Sec. 301. Due to the consolidation of the department of corrections parole offices for the purposes of increasing agency efficiencies, the department shall not expend funds appropriated in section 104 of 2003 PA 154 for rental payments or operational expenses for the leased premises located at 4240-4242 Cass Avenue, Detroit, Michigan.

Sec. 303. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray the costs of continuing education, certification, recertification, decertification, and training of local corrections officers; the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council pursuant to the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Sec. 401. (1) Unexpended and unencumbered amounts of cleanup and redevelopment funds and clean Michigan initiative bond funds, appropriated in 1997 PA 114, 1997 PA 113, 1998 PA 292, 1999 PA 125, 2000 PA 275, 2001 PA 43, 1999 PA 111, and 2000 PA 506 for the leaking underground storage tank cleanup program, which lapsed at the end of fiscal year 2002-2003, shall be reappropriated into the remediation and redevelopment fiscal year 2003-2004 appropriation line-item entitled environmental cleanup and redevelopment program.

(2) Unexpended and unencumbered amounts of cleanup and redevelopment funds appropriated in 2000 PA 275, 2001 PA 43, and 2002 PA 520 for storage tanks, emergency cleanup actions, which lapsed at the end of fiscal year 2002-2003, shall be reappropriated into the remediation and redevelopment fiscal year 2003-2004 appropriation line-item entitled emergency cleanup actions.

(3) The funds shall remain available for expenditure as originally intended and at any legislatively approved site in 2003 PA 171, and for any site listed in the public acts referenced in section 217 of 2003 PA 171. Consistent with section 701 of 2003 PA 171, the unexpended funds reappropriated into the environmental cleanup and redevelopment program, and the emergency cleanup actions line-items are considered work project appropriations and any unencumbered or unallotted funds are carried forward into succeeding fiscal years. 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, 2008.

HISTORY, ARTS, AND LIBRARIES

Sec. 421. One hundred thousand dollars is transferred from the state aid to libraries line item to the historical administration and services line item.

HIGHER EDUCATION

Sec. 451. For the fiscal year ending September 30, 2004, there is appropriated from the Michigan merit award trust fund to the general fund the amount of \$63,000,000.00.

Sec. 452. (1) A state university certifying to the state budget director by June 30, 2004 that it did not adopt an increase in tuition and fee rates for resident undergraduate students after December 1, 2003 for the 2003-2004 academic year and that it will not adopt tuition and fee rate increases for resident undergraduate students for the 2004-2005 academic year that exceed the projected fiscal year 2005 increase in the Detroit consumer price index as determined at the January 2004 consensus revenue estimating conference shall be paid in the fiscal year ending September 30, 2004 from state general fund/general purpose revenues an additional state aid allocation as follows:

Central Michigan University	\$ 2,446,300
Eastern Michigan University	2,366,200
Ferris State University	1,499,000
Grand Valley State University	1,772,600
Lake Superior State University	385,300

Michigan State University.....	8,801,500
Michigan Technological University.....	1,491,500
Northern Michigan University.....	1,404,300
Oakland University	1,472,600
Saginaw Valley State University	800,200
University of Michigan - Ann Arbor	9,816,200
University of Michigan - Dearborn	755,800
University of Michigan - Flint	649,800
Wayne State University	6,848,400
Western Michigan University	3,393,300

(2) The state budget director shall implement a reporting requirement to ensure that a state university receiving an allocation under this section has satisfied its tuition restraint requirements.

JUDICIARY

Sec. 471. The authorized agent for the judiciary shall transfer the savings necessary to achieve the reductions in section 113 of this act to appropriate line items pursuant to section 202(2) of 2003 PA 155.

DEPARTMENT OF MANAGEMENT AND BUDGET

Sec. 501. The appropriation for the department of management and budget for the homeland security grant program is a work project appropriation and any unencumbered or any unallotted funds are carried forward into the following 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 project is to support homeland security activities within the department of management and budget.
- (b) The project will be accomplished through purchases and work performed by state employees and contractors.
- (c) The total estimated cost of the project is \$300,000.00.
- (d) The tentative completion date is September 30, 2005.

MILITARY AND VETERANS AFFAIRS

Sec. 510. Any resident military reservist shall also be entitled to a free trip home if that member is at a designated departure site on the date and time that members of the Michigan national guard are scheduled for departure. The reservist will not be reimbursed for expenses to travel to the departure site.

DEPARTMENT OF NATURAL RESOURCES

Sec. 521. Of the appropriation in part 1, for snowmobile local grants program, \$2,000,000.00 is allocated for purchasing lands or easements for snowmobile trails; and \$250,000.00 is allocated for repairs on crossing grade bridges on a snowmobile trail near Cadillac.

DEPARTMENT OF STATE POLICE

Sec. 551. Unexpended and unencumbered amounts remaining from appropriations from the grants for disaster assistance, 1996 PA 298 and 1997 PA 107 shall not lapse pursuant to section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a, but instead are reappropriated for expenditure as originally intended.

DEPARTMENT OF TREASURY

Sec. 601. The appropriation in section 119a for special grants to cities shall be used to restore revenue sharing reductions contained in Executive Order 2003-23 to a city that had an emergency financial manager appointed pursuant to the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, continuously from December 10, 2003 through September 30, 2004.

PART 2A
PROVISIONS CONCERNING APPROPRIATIONS FOR
FISCAL YEAR 2002-2003

GENERAL SECTIONS

Sec. 1201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending under part 1A for fiscal year 2002-2003 is \$55,448,100.00. State payments to local units of government under part 1A are \$0.

Sec. 1202. The appropriations made and the expenditures authorized under this part and the departments, agencies, commissions, boards, offices, and programs for which an appropriation is made under part 1A are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Sec. 1401. For the fiscal year 2002-2003, settlement fund resources in the amount of \$500,000.00 shall carryforward into fiscal year 2003-2004 for appropriations to aquifer protection revolving fund program, as provided in part 1.

DEPARTMENT OF TREASURY

Sec. 1551. For the fiscal year ending September 30, 2003, there is appropriated from the tobacco settlement trust fund to the Michigan merit award trust fund the amount of \$6,000,000.00.

REPEALER

- Sec. 1601. Section 902 of 2003 PA 171 is repealed.
- Sec. 1602. Section 1401 of 2003 PA 173 is repealed.

Sec. 1603. Section 605 of 2003 PA 157 is repealed.
Sec. 1604. Section 1251 of 2003 PA 173 is repealed.

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

A bill to make, supplement, and adjust appropriations for the legislative branch, the judicial branch, capital outlay, and certain state departments and agencies for the fiscal year ending September 30, 2003 and the fiscal year ending September 30, 2004; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

Marc Shulman
Rick Johnson
Rich Brown
Conferees for the House

Shirley Johnson
Kenneth R. Sikkema
Robert L. Emerson
Conferees for the Senate

Pending the order that, under joint rule 9, the conference report be laid over one day,
Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 707

Yeas—37

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

Nays—0

Excused—1

McManus

Not Voting—0

In The Chair: President

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that, pursuant to rule 1.114, upon receipt of Senate bills returned from the House of Representatives, the Secretary of the Senate be directed to proceed with the enrollment printing and presentation of the bills to the Governor.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

House Concurrent Resolution No. 45.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the Legislature adjourns on Thursday, December 18, 2003, it stands adjourned until Tuesday, December 30, 2003, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Tuesday, December 30, 2003, it stands adjourned without day.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

Statements

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

The motion prevailed.

Senator Cassis' statement is as follows:

Today we have achieved a great bipartisan, bicameral victory for workers, businesses, and health care with the passage of the care and competitiveness package—Senate Bill Nos. 672 and 673. Since the original passage of the bills, the single business tax penalty on health care has been reduced further—down to 50 percent.

This achievement is the result of a yearlong process, four hearings around the state, and the support of more than 50 businesses, organizations, associations, and individuals. This accomplishment represents a new era of economic development in the state of Michigan, which will result in making Michigan more competitive, more able to retain and create jobs, and more effective in protecting private health care for Michigan employees and their families.

Happy holidays to all.

Senator Goschka's statement is as follows:

I would like to take this opportunity in particular to wish my very good friend Jeff Marshall, who's up in the control room listening right now, taking care of our business every day, and his good friends up there, a very Merry Christmas. These are folks you don't see a lot, but they really do wonderful work. Jeff, I know you're watching, and here in the Senate we all love you.

Senator Switalski's statement is as follows:

After some prodding by some colleagues and friends, I am going to repeat some remarks I made some years ago in another chamber, recalling some ghosts of Christmas past. So please indulge me by closing your eyes, and listen as I relate the astounding events of the last day of session long, long ago.

'Twas the night before recess

In the Michigan House.

All the members were restless

When Rep. Hale spied a mouse.

A wee sleekit, and cow' rin',

And tim' rous beastie

Put a panic into

Irma Clark's comely breastie.

He scampered across

The desks into a crack.

Derrick Hale scampered faster

To the arms of Kilpa'ck.

Rocky pounded the rostrum

To call us to order.

Still some bills to be passed

And our time had grown shorter.

Just 10 minutes left
To the end of the session.
Plus the Speaker's remarks
An important digression.

Two bills hung in the balance
My favorites, too.
One was for me
And the other one, you.

That's the way it is done
If you want some success.
Especially when
Your side numbers the less.

Just 10 minutes left.
Would Chuck be verbose?
If we go beyond midnight,
My bill's comatose.

The adoption tax credit
Would die at midnight.
The end of the session
Kills all bills with spite.

But then time stood still
By divine intervention.
Or maybe a button
Under Randall's attention.

The Speaker was eloquent.
The clock made no move.
It's still 'leven fifty
With 12 bills to approve.

My bill came to the floor
And was passed in a rout.
Who says that two Freshmen
Don't have any clout?

The session then ended
Two minutes to spare.
How be it 1:30
When I walked out of there?

I preferred the strange mystery
When the truth reached my ears.
Next day's clock inspection
Found a mouse in the gears.

Merry Christmas to all.

Committee Reports

The Committee on Families and Human Services reported

Senate Bill No. 753, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

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 Hardiman
Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 755, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20531.

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 Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

The Committee on Families and Human Services reported

Senate Bill No. 756, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a.

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 Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

The Committee on Families and Humans Services reported

Senate Bill No. 757, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a.

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 Hardiman

Chairperson

To Report Out:

Yeas: Senators Hardiman, Hammerstrom, Sanborn and Jacobs

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families and Human Services submitted the following:

Meeting held on Tuesday, December 16, 2003, at 3:00 p.m., Room 210, Farnum Building

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

Excused: Senator Clark-Coleman

Scheduled Meetings**Appropriations -****Subcommittee -****Higher Education, Joint Senate/House -** Wednesday, January 28, 2004, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 6:44 p.m.

Pursuant to House Concurrent Resolution No. 45, the President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, December 30, 2003, at 11:30 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

