

No. 59
STATE OF MICHIGAN
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House of Representatives
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House Chamber, Lansing, Thursday, June 27, 2002.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Julian.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Adamini—excused	Garza—present	Lockwood—present	Schauer—present
Allen—present	George—present	Mans—present	Schermesser—present
Anderson—present	Gielegghem—present	McConico—present	Scranton—present
Basham—present	Gilbert—present	Mead—present	Shackleton—present
Bernero—present	Godchaux—present	Meyer—present	Sheltrown—present
Birkholz—present	Gosselin—present	Middaugh—present	Shulman—present
Bisbee—present	Hager—present	Minore—present	Spade—present
Bishop—present	Hale—present	Mortimer—present	Stallworth—present
Bogardus—present	Hansen—present	Murphy—present	Stamas—present
Bovin—present	Hardman—present	Neumann—present	Stewart—present
Bradstreet—present	Hart—present	Newell—present	Switalski—present
Brown, Bob—present	Howell—present	O’Neil—present	Tabor—present
Brown, Cameron—present	Hummel—present	Palmer—present	Thomas—present
Brown, Rich—present	Jacobs—present	Pappageorge—present	Toy—present
Callahan—present	Jamnack—present	Patterson—present	Van Woerkom—present
Cassis—present	Jansen—present	Pestka—present	Vander Roest—present
Caul—present	Jelinek—present	Phillips—present	Vander Veen—present
Clark—present	Johnson, Rick—present	Plakas—present	Vear—present
Clarke—present	Johnson, Ruth—present	Pumford—present	Voorhees—present
Daniels—present	Julian—present	Quarles—present	Waters—present
Dennis—present	Koetje—present	Raczkowski—present	Whitmer—present
DeRossett—present	Kolb—present	Reeves—present	Williams—present
DeVuyst—present	Kooiman—present	Richardville—present	Wojno—present
DeWeese—e/d/s	Kowall—present	Richner—present	Woodward—present
Drolet—present	Kuipers—present	Rison—present	Woronchak—present
Ehardt—present	LaSata—present	Rivet—present	Zelenko—present
Faunce—present	Lemmons—present	Rocca—present	
Frank—present	Lipsey—present		

e/d/s = entered during session

Chris Maniaci, Director of Religious Education at St. Charles of Helena in Clio, offered the following invocation:

“Dear Lord, we thank You for this day and the gift of life and most especially our fellow Representatives, family, and friends. Please be with us as we carry out the agenda of the day. We ask for Your guidance, inspiration, strength and support as we go about the business for the people of the State of Michigan. Empower us to be bold participants for the communities that we represent. Even though we have many things to accomplish each day, we will not fret, for His presence is here. His timelessness has all the importance, which will keep us in balance. He prepares refreshment and renewal in the midst of our activities. Surely, harmony and effectiveness shall be the fruits of your hours, for we shall walk in the peace of our Lord and dwell in His house forever. Two little reminders, a little acronym, PUSH (pray until something happens) or FROG (forever rely on God). Peace be with you. Amen.”

Rep. Jacobs moved that Rep. Adamini be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 6208, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 56, p. 2019),

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

Rep. Vander Roest moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Senate Bill No. 1086, entitled

A bill to amend 1954 PA 188, entitled “An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds,” by amending section 2 (MCL 41.722), as amended by 1995 PA 139.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Patterson moved that consideration of the bill be postponed temporarily.
The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Select Committees

The Speaker laid before the House the second conference report relative to

House Bill No. 5645, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(The conference report was reported by the second conference committee on June 19, consideration of which, under the rules, was postponed until June 20.)

(For second conference report, see House Journal No. 57, p. 2167.)

The question being on the adoption of the second conference report,

The second conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 973**Yeas—61**

Allen	Gilbert	LaSata	Shackleton
Birkholz	Godchaux	Mead	Shulman
Bisbee	Gosselin	Meyer	Stamas
Bishop	Hager	Middaugh	Stewart
Bradstreet	Hart	Mortimer	Tabor
Brown, C.	Howell	Newell	Thomas
Cassis	Hummel	Palmer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
Clark, I.	Jelinek	Patterson	Vander Roest
Clarke, H.	Johnson, Ruth	Pumford	Vander Veen
DeRossett	Julian	Raczkowski	Vear
DeVuyst	Koetje	Richardville	Voorhees
Drolet	Kooiman	Richner	Waters
Ehardt	Kowall	Rocca	Woodward
Faunce	Kuipers	Scranton	Woronchak
George			

Nays—41

Anderson	Gielegghem	McConico	Rivet
Basham	Hansen	Minore	Schauer
Bernero	Hardman	Murphy	Schermesser
Bogardus	Jacobs	Neumann	Sheltrown
Bovin	Jamnick	O'Neil	Spade
Brown, B.	Kolb	Pestka	Stallworth
Brown, R.	Lemmons	Phillips	Switalski
Callahan	Lipsey	Quarles	Williams
Daniels	Lockwood	Reeves	Wojno
Dennis	Mans	Rison	Zelenko
Frank			

In The Chair: Julian

Rep. DeWeese entered the House Chambers.

Rep. Jacobs moved that Rep. Whitmer be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House the second conference report relative to
Senate Bill No. 1104, entitled

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

(The conference report was reported by the second conference committee on June 19, consideration of which, under the rules, was postponed until June 20.)

(For second conference report, see House Journal No. 57, p. 2186.)

The question being on the adoption of the second conference report,

The second conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 974**Yeas—60**

Allen	Gielegthem	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Godchaux	LaSata	Shackleton
Bishop	Gosselin	Mead	Shulman
Bradstreet	Hager	Meyer	Stamas
Brown, C.	Hart	Middaugh	Stewart
Callahan	Howell	Mortimer	Tabor
Cassis	Hummel	Newell	Toy
Caul	Jansen	Palmer	Van Woerkom
DeRossett	Jelinek	Pappageorge	Vander Roest
DeVuyst	Johnson, Rick	Patterson	Vander Veen
Drolet	Johnson, Ruth	Pumford	Vear
Ehardt	Julian	Raczkowski	Voorhees
Faunce	Koetje	Richardville	Wojno
George	Kooiman	Richner	Woronchak

Nays—44

Anderson	DeWeese	McConico	Rivet
Basham	Frank	Minore	Schauer
Bernero	Garza	Murphy	Schermesser
Bogardus	Hansen	Neumann	Sheltrown
Bovin	Hardman	O'Neil	Spade
Brown, B.	Jacobs	Pestka	Switalski
Brown, R.	Jamnick	Phillips	Thomas
Clark, I.	Kolb	Plakas	Waters
Clarke, H.	Lipsey	Quarles	Williams
Daniels	Lockwood	Reeves	Woodward
Dennis	Mans	Rison	Zelenko

In The Chair: Julian

Rep. Richardville moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Plakas, Anderson, Woodward, Murphy, Waters, Spade, Minore, Jacobs, Phillips, Bogardus, Hardman, Lockwood, Rich Brown, Reeves and Kolb, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report to Senate Bill 1104, the Department of Environmental Quality FY 2003 budget, because:

- The conference report includes dramatic reductions in environmental programs such as Great Lakes shoreland protection, soil erosion prevention, and environmental cleanup for FY 2003 and beyond. The budget continues the policy of one-time budget fixes by raiding restricted fund balances, most importantly, the Environmental Protection Fund and the Environmental Response Fund, to attempt to shore up current programs while leaving few resources for future legislatures and administrations to work with. This entirely depletes the Environmental Protection Fund, for which there is no new revenue stream available, and will likely leave the Environmental Response Fund with a depleted balance in future years. Both funds have been a significant source of funding for the Environmental Response Program, which focuses on cleanup and redevelopment of contaminated sites.

- The conference report failed to include important boilerplate language to reform the department's failed wetland mitigation program and to require the department to report to the public on the performance of its permitting, monitoring, and enforcement programs. Taxpayers deserve to know whether the agency is fulfilling its mission to protect Michigan's environment and public health.

I also voted no because:

- This state is facing a \$480 million deficit for the current 2002 fiscal year and over \$350 million for next fiscal year, 2003. As it stands right now, a number of revenues that contribute substantially to the state's General Fund are down a full percent from where they were a year ago.
- Unfortunately, the Governor and the Republican Legislature still cannot recommend actions to deal with the state's structural deficit. Until we receive a clearer indication on where our revenues are heading and how the Republican Legislative Leadership intends to deal with the state's structural deficit, I cannot in good conscience vote to make cuts in essential programs."

Rep. Zelenko, having reserved the right to explain her nay vote, made the following statement:

"Mr. Speaker and members of the House:

This conference report includes such dramatic reductions for necessary environmental programs that protect Great Lakes shorelines, soil erosion and environmental clean up. It eliminates funding for wetland mitigation and the requirement of reporting to the public the performance of permitting, monitoring and enforcement of programs. Michigan citizens deserve to know whether or not state agencies are fulfilling their purpose to protect our environment and public health. This alone is against the spirit of open government and I cannot support it."

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 53

A concurrent resolution to memorialize the Congress of the United States to turn over the management of federal forest lands to the states through a block grant program along with all appropriate accompanying federal funds.

(For text of resolution, see House Journal No. 27, p. 782.)

(The concurrent resolution was reported by the Committee on Conservation and Outdoor Recreation on June 18, consideration of which, under the rules, was postponed until June 19.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

Messages from the Senate

The Speaker laid before the House

Senate Bill No. 356, 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 1 (MCL 41.801), as amended by 1998 PA 545.

(The bill was received from the Senate on May 9, with amendments to the House substitute (H-2) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 14, see House Journal No. 43, p. 1475.)

The question being on concurring in the amendments made to the House substitute (H-2) by the Senate,

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

Roll Call No. 975**Yeas—102**

Allen	George	Lockwood	Rocca
Anderson	Gielegghem	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Scranton
Birkholz	Hager	Meyer	Shackleton
Bisbee	Hale	Middaugh	Sheltrown
Bishop	Hansen	Minore	Shulman
Bogardus	Hardman	Mortimer	Spade
Bovin	Hart	Murphy	Stallworth
Bradstreet	Howell	Neumann	Stamas
Brown, B.	Hummel	Newell	Stewart
Brown, C.	Jacobs	O'Neil	Switalski
Brown, R.	Jamnick	Palmer	Tabor
Callahan	Jansen	Pappageorge	Thomas
Cassis	Jelinek	Patterson	Toy
Caul	Johnson, Rick	Pestka	Van Woerkom
Clark, I.	Johnson, Ruth	Phillips	Vander Roest
Clarke, H.	Julian	Plakas	Vander Veen
Dennis	Koetje	Pumford	Voorhees
DeRossett	Kolb	Quarles	Waters
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko
Garza	Lipsey		

Nays—3

Drolet Gosselin Vear

In The Chair: Julian

Rep. Schauer moved that Rep. Garza be excused temporarily from today's session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5860, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 42a (MCL 211.42a), as amended by 1994 PA 415.

(The bill was received from the Senate on June 13, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 18, see House Journal No. 55, p. 1934.)

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

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

Roll Call No. 976**Yeas—105**

Allen	George	Lipsey	Rivet
Anderson	Gielegghem	Lockwood	Rocca

Basham	Gilbert	Mans	Schauer
Bernero	Godchaux	McConico	Schermesser
Birkholz	Gosselin	Mead	Scranton
Bisbee	Hager	Meyer	Shackleton
Bishop	Hale	Middaugh	Sheltrown
Bogardus	Hansen	Minore	Shulman
Bovin	Hardman	Mortimer	Spade
Bradstreet	Hart	Murphy	Stallworth
Brown, B.	Howell	Neumann	Stamas
Brown, C.	Hummel	Newell	Stewart
Brown, R.	Jacobs	O'Neil	Switalski
Callahan	Jamnick	Palmer	Tabor
Cassis	Jansen	Pappageorge	Toy
Caul	Jelinek	Patterson	Van Woerkom
Clark, I.	Johnson, Rick	Pestka	Vander Roest
Clarke, H.	Johnson, Ruth	Phillips	Vander Veen
Daniels	Julian	Plakas	Vear
Dennis	Koetje	Pumford	Voorhees
DeRossett	Kolb	Quarles	Waters
DeVuyst	Kooiman	Raczkowski	Williams
DeWeese	Kowall	Reeves	Wojno
Drolet	Kuipers	Richardville	Woodward
Ehardt	LaSata	Richner	Woronchak
Faunce	Lemmons	Rison	Zelenko
Frank			

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Vander Roest moved that Rep. Rick Johnson be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

Senate Bill No. 1062, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending section 1 (MCL 123.871), as amended by 1985 PA 9; and to repeal acts and parts of acts.

(The bill was received from the Senate on June 13, with an amendment to the House substitute (H-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 18, see House Journal No. 55, p. 1934.)

The question being on concurring in the amendment to the House substitute (H-1) made to the bill by the Senate,

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

Roll Call No. 977

Yeas—104

Allen	Frank	Lipsey	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegheem	Mans	Schermesser

Bernero	Gilbert	McConico	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Gosselin	Meyer	Sheltrown
Bishop	Hager	Middaugh	Shulman
Bogardus	Hale	Minore	Spade
Bovin	Hansen	Mortimer	Stallworth
Bradstreet	Hardman	Murphy	Stamas
Brown, B.	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski
Brown, R.	Hummel	O'Neil	Tabor
Callahan	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Ruth	Phillips	Vander Veen
Daniels	Julian	Plakas	Vear
Dennis	Koetje	Pumford	Voorhees
DeRossett	Kolb	Quarles	Waters
DeVuyst	Kooiman	Raczkowski	Williams
DeWeese	Kowall	Reeves	Wojno
Drolet	Kuipers	Richardville	Woodward
Ehardt	LaSata	Richner	Woronchak
Faunce	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

Third Reading of Bills**Senate Bill No. 794, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2882 (MCL 333.2882), as amended by 1997 PA 54.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 978**Yeas—104**

Allen	Frank	Lemmons	Rocca
Anderson	George	Lipsey	Schauer
Basham	Gielegghem	Lockwood	Schermesser
Bernero	Gilbert	Mans	Scranton
Birkholz	Godchaux	McConico	Shackleton
Bisbee	Gosselin	Mead	Sheltrown
Bishop	Hager	Meyer	Shulman
Bogardus	Hale	Middaugh	Spade
Bovin	Hansen	Minore	Stallworth
Bradstreet	Hardman	Mortimer	Stamas
Brown, B.	Hart	Murphy	Stewart
Brown, C.	Howell	Neumann	Switalski
Brown, R.	Hummel	Newell	Tabor
Callahan	Jacobs	O'Neil	Thomas
Cassis	Jamnick	Palmer	Toy
Caul	Jansen	Pappageorge	Van Woerkom

Clark, I.	Jelinek	Patterson	Vander Roest
Clarke, H.	Johnson, Rick	Pestka	Vander Veen
Daniels	Johnson, Ruth	Phillips	Vear
Dennis	Julian	Plakas	Voorhees
DeRossett	Koetje	Pumford	Waters
DeVuyst	Kolb	Rackowski	Williams
DeWeese	Kooiman	Reeves	Wojno
Drolet	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Faunce	LaSata	Rivet	Zelenko

Nays—0

In The Chair: Julian

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”.

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Richardville moved to vacate the enrollment of **House Bill No. 5365**.

The motion prevailed.

Messages from the Senate

House Bill No. 5365, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 217 and 234 (MCL 257.217 and 257.234), section 217 as amended by 2000 PA 397 and section 234 as amended by 2000 PA 151.

Rep. Richardville moved to reconsider the vote by which the House concurred in the Senate substitute (S-2).

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Thomas moved to substitute (H-1)* the Senate substitute (S-2).

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) as substituted (H-1)* was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 979**Yeas—103**

Allen	George	Lockwood	Schauer
Anderson	Gielegthem	Mans	Schermesser
Basham	Gilbert	McConico	Scranton
Bernero	Godchaux	Mead	Shackleton
Birkholz	Hager	Meyer	Sheltrown
Bisbee	Hale	Middaugh	Shulman
Bishop	Hansen	Minore	Spade
Bogardus	Hardman	Mortimer	Stallworth
Bovin	Hart	Murphy	Stamas
Bradstreet	Howell	Neumann	Stewart
Brown, B.	Hummel	Newell	Switalski
Brown, C.	Jacobs	O'Neil	Tabor
Brown, R.	Jamnick	Palmer	Thomas
Callahan	Jansen	Pappageorge	Toy
Cassis	Jelinek	Patterson	Van Woerkom
Caul	Johnson, Rick	Pestka	Vander Roest
Clark, I.	Johnson, Ruth	Phillips	Vander Veen
Clarke, H.	Julian	Plakas	Vear
Daniels	Koetje	Pumford	Voorhees
Dennis	Kolb	Quarles	Waters
DeRossett	Kooiman	Rackowski	Williams
DeVuyst	Kowall	Reeves	Wojno
DeWeese	Kuipers	Richardville	Woodward
Ehardt	LaSata	Richner	Woronchak
Faunce	Lemmons	Rison	Zelenko
Garza	Lipsey	Rocca	

Nays—1

Drolet

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217, 234, and 717 (MCL 257.217, 257.234, and 257.717), section 217 as amended by 2000 PA 397, section 234 as amended by 2000 PA 151, and section 717 as amended by 2002 PA 453.

The motion prevailed.

The House agreed to the title as amended.

House Bill No. 5747, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 267 (MCL 18.1267), as amended by 1999 PA 8.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 980**Yeas—106**

Allen	Garza	Lipsey	Rivet
Anderson	George	Lockwood	Rocca

Basham	Gielegthem	Mans	Schauer
Bernero	Gilbert	McConico	Schermesser
Birkholz	Godchaux	Mead	Scranton
Bisbee	Gosselin	Meyer	Shackleton
Bishop	Hager	Middaugh	Sheltrown
Bogardus	Hale	Minore	Shulman
Bovin	Hansen	Mortimer	Spade
Bradstreet	Hardman	Murphy	Stallworth
Brown, B.	Hart	Neumann	Stamas
Brown, C.	Howell	Newell	Stewart
Brown, R.	Hummel	O'Neil	Switalski
Callahan	Jacobs	Palmer	Tabor
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Rackowski	Williams
DeWeese	Kooiman	Reeves	Wojno
Drolet	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Faunce	LaSata	Rison	Zelenko
Frank	Lemmons		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 5296, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 1994 PA 444.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 981**Yeas—108**

Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegthem	Mans	Schermesser
Bernero	Gilbert	McConico	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Gosselin	Meyer	Sheltrown
Bishop	Hager	Middaugh	Shulman
Bogardus	Hale	Minore	Spade
Bovin	Hansen	Mortimer	Stallworth
Bradstreet	Hardman	Murphy	Stamas

Brown, B.	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski
Brown, R.	Hummel	O'Neil	Tabor
Callahan	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Raczkowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Reps. Allen, Anderson, Basham, Birkholz, Bishop, Bovin, Bob Brown, Cameron Brown, Rich Brown, Callahan, Cassis, Caul, Clarke, Dennis, DeWeese, Garza, Hager, Hardman, Howell, Jacobs, Jamnick, Jansen, Julian, Kooiman, Kowall, Lemmons, Lipsey, Mans, McConico, Mead, Meyer, Middaugh, Minore, Mortimer, Neumann, Newell, O'Neil, Palmer, Pappageorge, Patterson, Pestka, Phillips, Plakas, Reeves, Richardville, Richner, Rocca, Schauer, Sheltroun, Shulman, Spade, Stamas, Stewart, Tabor, Toy, Vander Veen, Van Woerkom, Voorhees, Williams and Woronchak were named co-sponsors of the bill.

House Bill No. 5297, entitled

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 982

Yeas—108

Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegthem	Mans	Schermesser
Bernero	Gilbert	McConico	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Gosselin	Meyer	Sheltroun
Bishop	Hager	Middaugh	Shulman
Bogardus	Hale	Minore	Spade
Bovin	Hansen	Mortimer	Stallworth
Bradstreet	Hardman	Murphy	Stamas
Brown, B.	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski

Brown, R.	Hummel	O'Neil	Tabor
Callahan	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Raczkowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 47.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 4035, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 701 (MCL 436.1701).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 983**Yeas—107**

Allen	Garza	Lipsey	Schauer
Anderson	George	Lockwood	Schermesser
Basham	Gielegthem	Mans	Scranton
Bernero	Gilbert	McConico	Shackleton
Birkholz	Godchaux	Mead	Sheltrown
Bisbee	Gosselin	Meyer	Shulman
Bishop	Hager	Middaugh	Spade
Bogardus	Hale	Mortimer	Stallworth
Bovin	Hansen	Murphy	Stamas
Bradstreet	Hardman	Neumann	Stewart
Brown, B.	Hart	Newell	Switalski
Brown, C.	Howell	O'Neil	Tabor
Brown, R.	Hummel	Palmer	Thomas
Callahan	Jacobs	Pappageorge	Toy
Cassis	Jamnick	Patterson	Van Woerkom
Caul	Jansen	Pestka	Vander Roest

Clark, I.	Jelinek	Phillips	Vander Veen
Clarke, H.	Johnson, Rick	Plakas	Vear
Daniels	Johnson, Ruth	Pumford	Voorhees
Dennis	Julian	Quarles	Waters
DeRossett	Koetje	Raczkowski	Whitmer
DeVuyst	Kolb	Reeves	Williams
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woodward
Ehardt	Kuipers	Rison	Woronchak
Faunce	LaSata	Rivet	Zelenko
Frank	Lemmons	Rocca	

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 701, 705, and 905 (MCL 436.1701, 436.1705, and 436.1905).

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

Reps. Allen, Bishop, Callahan, Cassis, DeRossett, Gilbert, Hager, Hardman, Howell, Jacobs, Jelinek, Ruth Johnson, Julian, Kowall, Lemmons, Mans, Meyer, O’Neil, Patterson, Pumford, Richardville, Rocca, Tabor, Van Woerkom, Vear and Woronchak were named co-sponsors of the bill.

House Bill No. 5858, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 503 and 504 (MCL 750.503 and 750.504).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 984**Yeas—108**

Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegem	Mans	Schermesser
Bernero	Gilbert	McConico	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Gosselin	Meyer	Sheltrown
Bishop	Hager	Middaugh	Shulman
Bogardus	Hale	Minore	Spade
Bovin	Hansen	Mortimer	Stallworth
Bradstreet	Hardman	Murphy	Stamas
Brown, B.	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski
Brown, R.	Hummel	O’Neil	Tabor
Callahan	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen

Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Rackowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 503 (MCL 750.503).

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 6079, entitled

A bill to amend 1931 PA 328, entitled “Michigan penal code,” by amending sections 16, 25, 33, 34, 44, 45, 50c, 57, 60, 64, 90c, 113, 114, 123, 125, 138, 140, 149, 150, 151, 153, 172, 173, 183, 184, 191, 192, 197a, 215, 217, 217c, 219, 220, 240, 263, 264, 287, 288, 294, 295, 298, 301, 302, 304, 305, 306, 314, 330, 331, 335, 335a, 354, 359, 368, 371, 375, 389, 393, 404, 407, 408, 410, 411a, 411d, 414, 428, 429, 430, 454, 466, 478, 482, 490a, 492, 502b, 508, 509, 519, 524, 537, 538, 540e, 540f, and 561 (MCL 750.16, 750.25, 750.33, 750.34, 750.44, 750.45, 750.50c, 750.57, 750.60, 750.64, 750.90c, 750.113, 750.114, 750.123, 750.125, 750.138, 750.140, 750.149, 750.150, 750.151, 750.153, 750.172, 750.173, 750.183, 750.184, 750.191, 750.192, 750.197a, 750.215, 750.217, 750.217c, 750.219, 750.220, 750.240, 750.263, 750.264, 750.287, 750.288, 750.294, 750.295, 750.298, 750.301, 750.302, 750.304, 750.305, 750.306, 750.314, 750.330, 750.331, 750.335, 750.335a, 750.354, 750.359, 750.368, 750.371, 750.375, 750.389, 750.393, 750.404, 750.407, 750.408, 750.410, 750.411a, 750.411d, 750.414, 750.428, 750.429, 750.430, 750.454, 750.466, 750.478, 750.482, 750.490a, 750.492, 750.502b, 750.508, 750.509, 750.519, 750.524, 750.537, 750.538, 750.540e, 750.540f, and 750.561), section 50c as added by 1994 PA 336, section 90c as amended by 2001 PA 1, section 125 as amended by 1999 PA 251, sections 215, 371, 524, 537, and 538 as amended by 1991 PA 145, section 217c as added and section 368 as amended by 1998 PA 360, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540e as amended by 1988 PA 395, and section 540f as added by 1996 PA 333.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 985**Yeas—107**

Allen	George	Lockwood	Schauer
Anderson	Gielegghem	Mans	Schermesser
Basham	Gilbert	McConico	Scranton
Bernero	Godchaux	Mead	Shackleton
Birkholz	Gosselin	Meyer	Sheltrown
Bisbee	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stallworth
Bovin	Hardman	Murphy	Stamas

Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Raczkowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko
Garza	Lipsev	Rocca	

Nays—1

Drolet

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 1275, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 5, 5a, 7, 8, 9, and 10 (MCL 28.722, 28.725, 28.725a, 28.727, 28.728, 28.729, and 28.730), sections 2, 5, 7, 8, 9, and 10 as amended and section 5a as added by 1999 PA 85, and by adding section 4a.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 986**Yeas—107**

Allen	Garza	Lipsev	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegghem	Mans	Schermesser
Bernero	Gilbert	McConico	Shackleton
Birkholz	Godchaux	Mead	Sheltrown
Bisbee	Gosselin	Meyer	Shulman
Bishop	Hager	Middaugh	Spade
Bogardus	Hale	Minore	Stallworth
Bovin	Hansen	Mortimer	Stamas
Bradstreet	Hardman	Murphy	Stewart
Brown, B.	Hart	Neumann	Switalski
Brown, C.	Howell	Newell	Tabor
Brown, R.	Hummel	O'Neil	Thomas
Callahan	Jacobs	Palmer	Toy
Cassis	Jamnick	Pappageorge	Van Woerkom

Caul	Jansen	Patterson	Vander Roest
Clark, I.	Jelinek	Pestka	Vander Veen
Clarke, H.	Johnson, Rick	Phillips	Vear
Daniels	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Quarles	Whitmer
DeVuyst	Kolb	Rackowski	Williams
DeWeese	Kooiman	Reeves	Wojno
Drolet	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Faunce	LaSata	Rison	Zelenko
Frank	Lemmons	Rivet	

Nays—0

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe penalties and sanctions,” by amending sections 2, 5, 5a, 7, 8, 9, and 10 (MCL 28.722, 28.725, 28.725a, 28.727, 28.728, 28.729, and 28.730), sections 2, 5, 7, 8, 9, and 10 as amended and section 5a as added by 1999 PA 85, and by adding sections 1a and 4a.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 6095, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7214, 7401, 7402, 7403, and 7404 (MCL 333.7214, 333.7401, 333.7402, 333.7403, and 333.7404), section 7214 as amended by 1982 PA 352, sections 7401 and 7403 as amended by 2001 PA 236, and sections 7402 and 7404 as amended by 2000 PA 314.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 987**Yeas—106**

Allen	George	Mans	Schauer
Anderson	Gielegghem	McConico	Schermesser
Basham	Gilbert	Mead	Scranton
Bernero	Godchaux	Meyer	Shackleton
Birkholz	Gosselin	Middaugh	Sheltrown
Bisbee	Hager	Minore	Shulman
Bishop	Hale	Mortimer	Spade
Bogardus	Hansen	Murphy	Stallworth
Bovin	Hardman	Neumann	Stamas
Bradstreet	Hart	Newell	Stewart
Brown, B.	Howell	O’Neil	Switalski
Brown, C.	Hummel	Palmer	Tabor
Brown, R.	Jacobs	Pappageorge	Thomas
Callahan	Jamnick	Patterson	Toy
Cassis	Jansen	Pestka	Van Woerkom
Caul	Jelinek	Phillips	Vander Roest

Clark, I.	Johnson, Rick	Plakas	Vander Veen
Clarke, H.	Johnson, Ruth	Pumford	Vear
Daniels	Julian	Quarles	Voorhees
Dennis	Koetje	Raczkowski	Waters
DeRossett	Kolb	Reeves	Whitmer
DeVuyst	Kooiman	Richardville	Williams
DeWeese	Kowall	Richner	Wojno
Ehardt	Kuipers	Rison	Woodward
Faunce	LaSata	Rivet	Woronchak
Frank	Lemmons	Rocca	Zelenko
Garza	Lipsey		

Nays—1

Drolet

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 1998 PA 248, sections 7401 and 7403 as amended by 2001 PA 236, and sections 7402 and 7404 as amended by 2000 PA 314.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

Reps. Allen, Anderson, Birkholz, Bishop, Bob Brown, Cameron Brown, Callahan, Cassis, DeRossett, Hardman, Jacobs, Jelinek, Ruth Johnson, Lockwood, Mans, Neumann, Newell, O’Neil, Plakas, Pumford, Richardville, Schauer, Sheltrown, Spade, Stallworth, Stamas, Stewart, Toy, Van Woerkom and Voorhees were named co-sponsors of the bill.

House Bill No. 6096, 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 added by 2002 PA 30.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 988

Yeas—105

Allen	George	Lockwood	Rocca
Anderson	Gielegghem	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Scranton
Birkholz	Gosselin	Meyer	Shackleton
Bisbee	Hager	Middaugh	Sheltrown
Bishop	Hale	Minore	Shulman
Bogardus	Hansen	Mortimer	Spade
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O’Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest

Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kooiman	Raczkowski	Whitmer
DeVuyst	Kowall	Reeves	Williams
DeWeese	Kuipers	Richardville	Wojno
Ehardt	LaSata	Richner	Woodward
Faunce	Lemmons	Rison	Woronchak
Frank	Lipsey	Rivet	Zelenko
Garza			

Nays—1

Drolet

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Reps. Allen, Anderson, Birkholz, Bishop, Callahan, Cassis, DeRossett, Ehardt, Hardman, Jacobs, Jelinek, Ruth Johnson, Lemmons, Mans, Neumann, Newell, Pumford, Richardville, Sheltroun, Stamas, Stewart, Toy and Voorhees were named co-sponsors of the bill.

Rep. Drolet, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

The so-called ‘War on Drugs’ has failed. In exchange for whatever minimal and fleeting successes have been achieved regarding reduction in drug use, we as a society have wasted vast trillions in taxpayer dollars and trampled the civil liberties of ALL Americans.

I have no sympathy with drug dealers who violently operate within the criminal underworld of our society, and I do not advocate the use of ecstasy. But, we need to start waking up to the facts that people will always intoxicate themselves, be it with alcohol or some other narcotic, and that there will always be somebody else there to fill that demand. Those are facts of life that have not changed through all of human history. A free society cannot effectively prevent people from getting drunk or stoned.

What government can do is reduce the violence surrounding the sale of drugs. Within the last century, the sale of alcohol was conducted in the shadows by a violent criminal underworld. Then as now, innocents were caught in the crossfire when law enforcement and the underworld did battle over the traffic in illicit substances. That does not happen today with alcohol. Legitimate business owners safely sell it to willing buyers, and nobody risks death or incarceration due to the transaction. Unlike the ‘Drug War’, government makes money on the deal, and ‘drug dealers’ selling booze are productive and peaceful additions to our society.

The violence of the ‘Drug War’ is of our own making, and we have it within our power to end it. Unfortunately, bills such as these, which increase penalties and waste tax dollars, only fuel the problem. I want to protect children from drugs and gangs, and I think that these bills take us in precisely the wrong direction. However well intentioned this legislation may be, it will spend money on the wrong priorities and further speed us down a road to predictable failure.”

Senate Bill No. 1358, entitled

A bill to amend 1966 PA 189, entitled “An act to provide procedures for making complaints for, obtaining, executing and returning search warrants; and to repeal certain acts and parts of acts,” by amending section 1 (MCL 780.651), as amended by 2002 PA 128.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 989**Yeas—84**

Allen	George	McConico	Schauer
Anderson	Gielegthem	Mead	Schermesser
Basham	Gilbert	Meyer	Shackleton
Birkholz	Gosselin	Middaugh	Sheltrown
Bisbee	Hager	Minore	Shulman
Bishop	Hart	Mortimer	Spade
Bovin	Howell	Neumann	Stamas
Bradstreet	Hummel	Newell	Stewart
Brown, B.	Jansen	O'Neil	Switalski
Brown, C.	Jelinek	Palmer	Tabor
Brown, R.	Johnson, Rick	Pappageorge	Thomas
Callahan	Johnson, Ruth	Patterson	Toy
Cassis	Julian	Pestka	Van Woerkom
Caul	Koetje	Phillips	Vander Roest
Dennis	Kooiman	Plakas	Vander Veen
DeRossett	Kowall	Pumford	Vear
DeVuyst	Kuipers	Rackowski	Voorhees
Drolet	LaSata	Richardville	Wojno
Ehardt	Lemmons	Richner	Woodward
Faunce	Lockwood	Rivet	Woronchak
Frank	Mans	Rocca	Zelenko

Nays—18

Bernero	DeWeese	Jamnick	Scranton
Bogardus	Hale	Kolb	Waters
Clark, I.	Hansen	Lipsey	Whitmer
Clarke, H.	Hardman	Quarles	Williams
Daniels	Jacobs		

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5650, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has appointed Senator McManus to replace Senator Hoffman as conferee.

The message was referred to the Clerk for record.

House Bill No. 5651, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The Senate has appointed Senator McManus to replace Senator Hoffman as conferee.

The message was referred to the Clerk for record.

Introduction of Bills

Rep. Meyer introduced

House Bill No. 6227, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2001 PA 190.

The bill was read a first time by its title and referred to the Committee on Criminal Justice.

Rep. Meyer introduced

House Bill No. 6228, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

The bill was read a first time by its title and referred to the Committee on Criminal Justice.

Rep. Schauer introduced

House Bill No. 6229, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 25 and 28 (MCL 205.25 and 205.28), section 25 as amended by 1986 PA 58 and section 28 as amended by 2000 PA 308, and by adding section 30d.

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

Reps. Ruth Johnson, Vander Veen, Anderson, Rocca, Pappageorge and Van Woerkom introduced

House Bill No. 6230, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2000 PA 14.

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

Rep. Rocca introduced

House Bill No. 6231, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2002 PA 130.

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

Rep. Palmer introduced

House Bill No. 6232, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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

By unanimous consent the House returned to the order of

Communications from State Officers

The following communications from the Auditor General were received and read:

June 19, 2002

Enclosed is a copy of the following audit report and/or executive digest:
Financial audit Including the Provisions
of the Single Audit Act of the
Michigan Department of State Police
October 1, 1999 through September 30, 2001

June 19, 2002

Enclosed is a copy of the following audit report and/or executive digest:
 Performance Audit of the
 Trial Court Services Division
 State Court Administrative Office
 June 2002

June 24, 2002

Enclosed is a copy of the following audit report and/or executive digest:
 Performance Audit of the
 Collective Division
 Department of Treasury
 June 2002

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

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

June 19, 2002

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation	Arbor Heights Community Justice Center	2002C0207021	CS810200952

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

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

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

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, June 20:

House Bill Nos.	6209	6210	6211	6212	6213	6214	6215	6216	6217	6218	6219	6220	6221	6222
	6223	6224	6225	6226										

The Clerk announced the enrollment printing and presentation to the Governor on Friday, June 21, for his approval of the following bills:

Enrolled House Bill No. 4462 at 3:34 p.m.
Enrolled House Bill No. 5805 at 3:36 p.m.
Enrolled House Bill No. 5806 at 3:38 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, June 25, for his approval of the following bills:

Enrolled House Bill No. 5279 at 2:25 p.m.
Enrolled House Bill No. 5360 at 2:27 p.m.
Enrolled House Bill No. 5362 at 2:29 p.m.

Enrolled House Bill No. 5380 at 2:31 p.m.
Enrolled House Bill No. 5383 at 2:33 p.m.
Enrolled House Bill No. 5396 at 2:35 p.m.
Enrolled House Bill No. 5591 at 2:37 p.m.
Enrolled House Bill No. 5804 at 2:39 p.m.
Enrolled House Bill No. 5819 at 2:41 p.m.
Enrolled House Bill No. 5928 at 2:43 p.m.

Messages from the Governor

The following message from the Governor was received June 21, 2002 and read:

EXECUTIVE ORDER No. 2002 - 11

OFFICE OF REGULATORY REFORM

NEW OFFICE OF REGULATORY REFORM

EXECUTIVE OFFICE OF THE GOVERNOR

DEPARTMENT OF MANAGEMENT AND BUDGET

EXECUTIVE REORGANIZATION

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

WHEREAS, the Office of Regulatory Reform was created in the Executive Office of the Governor by Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, to review proposed rules, coordinate the processing of rules by state agencies, and work with agencies to streamline the rulemaking process and to improve public access; and

WHEREAS, Section 34 of Act No. 262 of the Public Acts of 1999, being Section 24.234 of the Michigan Compiled Laws, codified the authority of the Office of Regulatory Reform as a Type I agency within the Department of Management and Budget, the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws; and

WHEREAS, all of the authority, powers, duties, functions, grants and responsibilities of the Office of Regulatory Reform provided for in Act No. 306 of the Public Acts of 1969, as amended, being Section 24.201 et seq. of the Michigan Compiled Laws, and in Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, were transferred to the Executive Office of the Governor by Executive Order 2000-1, being Section 10.152 of the Michigan Compiled Laws; and

WHEREAS, the Office of Regulatory Reform has established procedures to review proposed rules, coordinate the processing of rules by state agencies and work with the agencies to streamline the rulemaking process and to improve public access; and

WHEREAS, it is organizationally sound and appropriate to continue to concentrate the review and legal certification of rules and regulations in one office.

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

I. TRANSFER

All the authority, powers, duties, functions, grants and responsibilities of the Office of Regulatory Reform provided for in Act No. 306 of the Public Acts of 1969, as amended, being Section 24.201 et seq. of the Michigan Compiled Laws, and in Executive Order 1995-6, being Section 10.151 of the Michigan Compiled Laws, and in Executive Order 2000-1, being Section 10.152 of the Michigan Compiled Laws are hereby transferred by Type I transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, to the Department of Management and Budget. The Office of Regulatory Reform shall exercise its prescribed statutory powers, duties and functions independently of the head of the department.

II. MISCELLANEOUS

A. The Director of the Office of Regulatory Reform shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.

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

C. The Director of the Department of Management and Budget shall immediately initiate coordination with the Executive Office of the Governor to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Office of Regulatory Reform located within the Executive Office of the Governor for the activities, powers, duties, functions and responsibilities transferred to the Office of Regulatory Reform located within the Department of Management and Budget are hereby transferred to the Office of Regulatory Reform located within the Department of Management and Budget.

E. The Director of the Office of Regulatory Reform may, by written instrument, delegate a duty or power conferred by this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Office of Regulatory Reform.

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

G. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Office of Regulatory Reform located within the Department of Management and Budget by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended or rescinded.

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

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

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective September 1, 2002.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 20th day of June, in the Year of our Lord, Two Thousand Two.

John Engler

Governor

By the Governor:

Candice S. Miller

Secretary of State

The message was referred to the Clerk.

The following messages from the Governor, approving and signing the following bills at the times designated below, were received and read:

Date: June 21, 2002

Time: 2:34 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5992 (Public Act No. 457, I.E.), being

An act to amend 1933 PA 167, entitled "An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 3 (MCL 205.53), as amended by 1980 PA 164.

(Filed with the Secretary of State June 21, 2002, at 4:55 p.m.)

Date: June 21, 2002

Time: 2:36 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5832 (Public Act No. 458, I.E.), being

An act to amend 1988 PA 466, entitled "An act to authorize and require the appointment of a state veterinarian within the department of agriculture; to protect the human food chain and the livestock and aquaculture industries of

the state through prevention, control, and eradication of infectious, contagious, or toxicological diseases of livestock and other animals; to prevent the importation of certain nonindigenous animals under certain circumstances; to safeguard the human population from certain diseases that are communicable between animals and humans; to prevent or control the contamination of livestock with certain toxic substances through certain livestock or livestock products; to provide for indemnification for livestock under certain circumstances; to provide for certain powers and duties for certain state agencies and departments; to provide for the promulgation of rules; to provide for certain hearings; to provide for remedies and penalties; and to repeal acts and parts of acts,” by amending sections 3, 4, 6, 8, 9, 11b, 12, 13a, 14, 16, 19, 22, 30a, 30b, 33, and 44 (MCL 287.703, 287.704, 287.706, 287.708, 287.709, 287.711b, 287.712, 287.713a, 287.714, 287.716, 287.719, 287.722, 287.730a, 287.730b, 287.733, and 287.744), sections 3, 4, 6, 8, 9, 12, 14, 16, 19, 30a, 30b, 33, and 44 as amended and sections 11b and 13a as added by 2000 PA 323 and section 22 as amended by 1996 PA 369; and to repeal acts and parts of acts.

(Filed with the Secretary of State June 21, 2002, at 4:57 p.m.)

Date: June 21, 2002

Time: 2:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5778 (Public Act No. 459, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 949 (MCL 600.949), as amended by 1980 PA 69.

(Filed with the Secretary of State June 21, 2002, at 4:59 p.m.)

Date: June 21, 2002

Time: 2:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6043 (Public Act No. 460, I.E.), being

An act 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,” (MCL 125.1651 to 125.1681) by adding section 3d.

(Filed with the Secretary of State June 21, 2002, at 5:01 p.m.)

Date: June 21, 2002

Time: 2:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5758 (Public Act No. 461, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 5419 (MCL 324.5419), as added by 2001 PA 165; and to repeal acts and parts of acts.

(Filed with the Secretary of State June 21, 2002, at 5:03 p.m.)

Date: June 21, 2002

Time: 2:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5927 (Public Act No. 462, I.E.), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” by amending sections 901, 912, 914, 916, 917, 917a, 918, 922, 924, 932, 934, 938, 942, 943, 944, 946, and 947 (MCL 500.901, 500.912, 500.914, 500.916, 500.917, 500.917a, 500.918, 500.922, 500.924, 500.932, 500.934, 500.938, 500.942, 500.943, 500.944, 500.946, and 500.947), sections 901, 917, 943, and 946 as amended and section 917a as added by 1994 PA 226, section 922 as amended by 1991 PA 79, and section 942 as amended by 1984 PA 90, and by adding section 902.

(Filed with the Secretary of State June 21, 2002, at 5:05 p.m.)

Date: June 21, 2002

Time: 2:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5361 (Public Act No. 464, I.E.), being

An act to amend 1974 PA 300, entitled “An act to regulate the practice of servicing and repairing motor vehicles; to proscribe unfair and deceptive practices; to provide for training and certification of mechanics; to provide for the registration of motor vehicle repair facilities; to provide for enforcement; and to prescribe penalties,” by amending section 17 (MCL 257.1317), as amended by 1988 PA 254.

(Filed with the Secretary of State June 21, 2002, at 5:09 p.m.)

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Bradstreet, Chair, reported

Senate Bill No. 1322, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 39e.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1322 To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Cassis, Kowall, Richardville, Vander Veen, Bovin, Daniels, Rivet, Schauer,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Thursday, June 27, 2002, at 10:30 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Cassis, Kowall, Richardville, Vander Veen, Bovin, Daniels, Rivet, Schauer,

Absent: Reps. Bishop, Howell, Bob Brown, Lemmons, Woodward,

Excused: Reps. Bishop, Howell, Bob Brown, Lemmons, Woodward.

Rep. Pumford moved that Rep. Jelenik be excused temporarily from today's session.
The motion prevailed.

Rep. Rich Brown moved that Rep. Lipsey be excused temporarily from today's session.
The motion prevailed.

Rep. Vander Roest moved that Reps. Bisbee and Kuipers be excused temporarily from today's session.
The motion prevailed.

Third Reading of Bills**Senate Bill No. 1241, entitled**

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

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 990**Yeas—101**

Allen	Garza	Mans	Rocca
Anderson	George	McConico	Schauer
Basham	Gielegghem	Mead	Schermesser
Bernero	Gilbert	Meyer	Scranton
Birkholz	Godchaux	Middaugh	Shackleton
Bishop	Gosselin	Minore	Sheltrown
Bogardus	Hager	Mortimer	Shulman
Bovin	Hale	Murphy	Spade
Bradstreet	Hansen	Neumann	Stallworth
Brown, B.	Hardman	Newell	Stamas
Brown, C.	Hart	O'Neil	Switalski
Brown, R.	Howell	Palmer	Tabor
Callahan	Hummel	Pappageorge	Thomas
Cassis	Jacobs	Patterson	Toy
Caul	Jamnick	Pestka	Van Woerkom
Clark, I.	Jansen	Phillips	Vander Roest
Clarke, H.	Johnson, Rick	Plakas	Vander Veen

Daniels	Johnson, Ruth	Pumford	Vear
Dennis	Julian	Quarles	Voorhees
DeRossett	Koetje	Rackowski	Whitmer
DeVuyst	Kolb	Reeves	Williams
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lockwood	Rivet	Zelenko
Frank			

Nays—0

In The Chair: Julian

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

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”.

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 1242, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416c.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 991**Yeas—103**

Allen	Frank	LaSata	Rivet
Anderson	Garza	Lockwood	Rocca
Basham	George	Mans	Schermesser

Bernero	Gielegheem	McConico	Scranton
Birkholz	Gilbert	Mead	Shackleton
Bisbee	Godchaux	Meyer	Sheltrown
Bishop	Gosselin	Middaugh	Shulman
Bogardus	Hager	Minore	Spade
Bovin	Hale	Mortimer	Stamas
Bradstreet	Hansen	Murphy	Stewart
Brown, B.	Hardman	Neumann	Switalski
Brown, C.	Hart	Newell	Tabor
Brown, R.	Howell	O'Neil	Thomas
Callahan	Hummel	Palmer	Toy
Cassis	Jacobs	Pappageorge	Van Woerkom
Caul	Jamnick	Patterson	Vander Roest
Clark, I.	Jansen	Pestka	Vander Veen
Clarke, H.	Jelinek	Phillips	Vear
Daniels	Johnson, Rick	Plakas	Voorhees
Dennis	Johnson, Ruth	Pumford	Whitmer
DeRossett	Julian	Quarles	Williams
DeVuyst	Koetje	Rackowski	Wojno
DeWeese	Kolb	Reeves	Woodward
Drolet	Kooiman	Richardville	Woronchak
Ehardt	Kowall	Richner	Zelenko
Faunce	Kuipers	Rison	

Nays—0

In The Chair: Julian

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts.”.

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 1266, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds,

and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 18d (MCL 247.668d).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 992**Yeas—104**

Allen	Frank	Lemmons	Schauer
Anderson	George	Lockwood	Schermesser
Basham	Gielegghem	Mans	Scranton
Bernero	Gilbert	McConico	Shackleton
Birkholz	Godchaux	Mead	Sheltrown
Bisbee	Gosselin	Meyer	Shulman
Bishop	Hager	Middaugh	Spade
Bogardus	Hale	Minore	Stallworth
Bovin	Hansen	Mortimer	Stamas
Bradstreet	Hardman	Murphy	Stewart
Brown, B.	Hart	Neumann	Switalski
Brown, C.	Howell	Newell	Tabor
Brown, R.	Hummel	O'Neil	Thomas
Callahan	Jacobs	Palmer	Toy
Cassis	Jamnick	Pappageorge	Van Woerkom
Caul	Jansen	Patterson	Vander Roest
Clark, I.	Jelinek	Pestka	Vander Veen
Clarke, H.	Johnson, Rick	Phillips	Vear
Daniels	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Waters
DeRossett	Koetje	Rackowski	Whitmer
DeVuyst	Kolb	Reeves	Williams
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woodward
Ehardt	Kuipers	Rivet	Woronchak
Faunce	LaSata	Rocca	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 184, entitled

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending sections 1 and 2 (MCL 691.1501 and 691.1502), section 1 as amended by 1987 PA 30.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 993**Yeas—107**

Allen	Garza	Lockwood	Schauer
Anderson	George	Mans	Schermesser
Basham	Gielegthem	McConico	Scranton
Bernero	Gilbert	Mead	Shackleton
Birkholz	Godchaux	Meyer	Sheltrown
Bisbee	Gosselin	Middaugh	Shulman
Bishop	Hager	Minore	Spade
Bogardus	Hale	Mortimer	Stallworth
Bovin	Hansen	Murphy	Stamas
Bradstreet	Hardman	Neumann	Stewart
Brown, B.	Hart	Newell	Switalski
Brown, C.	Howell	O’Neil	Tabor
Brown, R.	Hummel	Palmer	Thomas
Callahan	Jacobs	Pappageorge	Toy
Cassis	Jamnick	Patterson	Van Woerkom
Caul	Jansen	Pestka	Vander Roest
Clark, I.	Jelinek	Phillips	Vander Veen
Clarke, H.	Johnson, Rick	Plakas	Vear
Daniels	Johnson, Ruth	Pumford	Voorhees
Dennis	Julian	Quarles	Waters
DeRossett	Koetje	Rackowski	Whitmer
DeVuyst	Kolb	Reeves	Williams
DeWeese	Kooiman	Richardville	Wojno
Drolet	Kowall	Richner	Woodward
Ehardt	Kuipers	Rison	Woronchak
Faunce	LaSata	Rivet	Zelenko
Frank	Lemmons	Rocca	

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 1094, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 720 (MCL 257.720), as amended by 1996 PA 136.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 994**Yeas—105**

Allen	Garza	Lockwood	Rocca
Anderson	George	Mans	Schauer

Basham	Gielegheem	McConico	Schermesser
Bernero	Gilbert	Mead	Scranton
Birkholz	Godchaux	Meyer	Shackleton
Bisbee	Gosselin	Middaugh	Sheltrown
Bishop	Hager	Minore	Shulman
Bogardus	Hale	Mortimer	Spade
Bovin	Hansen	Murphy	Stamas
Bradstreet	Hardman	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Raczkowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lemmons	Rivet	Zelenko
Frank			

Nays—0

In The Chair: Julian

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 809, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 995

Yeas—104

Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Schauer

Basham	Gielegghem	Mans	Schermesser
Bernero	Gilbert	Mead	Scranton
Birkholz	Godchaux	Meyer	Shackleton
Bisbee	Gosselin	Middaugh	Sheltrown
Bishop	Hager	Minore	Shulman
Bogardus	Hale	Mortimer	Spade
Bovin	Hansen	Murphy	Stamas
Bradstreet	Hardman	Neumann	Stewart
Brown, B.	Hart	Newell	Switalski
Brown, C.	Howell	O'Neil	Tabor
Brown, R.	Hummel	Palmer	Thomas
Callahan	Jacobs	Pappageorge	Toy
Cassis	Jamnick	Patterson	Van Woerkom
Caul	Jansen	Pestka	Vander Roest
Clark, I.	Jelinek	Phillips	Vander Veen
Clarke, H.	Johnson, Rick	Plakas	Vear
Daniels	Johnson, Ruth	Pumford	Voorhees
DeRossett	Julian	Quarles	Waters
DeVuyst	Koetje	Raczkowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

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 House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 6202, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 9.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 996**Yeas—106**

Allen	George	Lockwood	Rocca
Anderson	Gielegghem	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Scranton
Birkholz	Gosselin	Meyer	Shackleton
Bisbee	Hager	Middaugh	Sheltrown

Bishop	Hale	Minore	Shulman
Bogardus	Hansen	Mortimer	Spade
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Rackowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lemmons	Rivet	Zelenko
Frank	Lipsey		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

House Bill No. 6204, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by adding section 7j.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Tabor moved to amend the bill as follows:

1. Amend page 1, line 11, after "OWNER" by inserting a comma and "LICENSEE,".
2. Amend page 1, line 11, after "CENTER" by inserting "OWNER OR LICENSEE".
3. Amend page 2, line 17, after "CRITERIA" by striking out the balance of the subsection and inserting "UNDER SECTION 8(3)(A), (B), OR (C).".

The motion was seconded and the amendments were adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 997**Yeas—106**

Allen	George	Lockwood	Rocca
Anderson	Gielegem	Mans	Schauer
Basham	Gilbert	McConico	Schermesser
Bernero	Godchaux	Mead	Scranton
Birkholz	Gosselin	Meyer	Shackleton
Bisbee	Hager	Middaugh	Sheltrown
Bishop	Hale	Minore	Shulman
Bogardus	Hansen	Mortimer	Spade

Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnack	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Rackowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Drolet	Kuipers	Richner	Woodward
Ehardt	LaSata	Rison	Woronchak
Faunce	Lemmons	Rivet	Zelenko
Frank	Lipsey		

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 5650, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Recommends:

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

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

DEPARTMENT OF STATE POLICE

APPROPRIATION SUMMARY:

Full-time equated unclassified positions3.0

Full-time equated classified positions3,445.5

GROSS APPROPRIATION..... \$ 415,678,200

	For Fiscal Year Ending Sept. 30, 2003
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	19,282,800
ADJUSTED GROSS APPROPRIATION	\$ 396,395,400
Federal revenues:	
Total federal revenues	45,570,500
Special revenue funds:	
Total local revenues	3,913,700
Total private revenues	0
Total other state restricted revenues	59,862,900
State general fund/general purpose	\$ 287,048,300
Sec. 102. EXECUTIVE DIRECTION	
Full-time equated unclassified positions3.0	
Full-time equated classified positions36.0	
Unclassified positions	\$ 265,600
Executive direction—29.0 FTE positions	3,414,500
Auto theft prevention program—7.0 FTE positions	7,065,000
GROSS APPROPRIATION	\$ 10,745,100
Appropriated from:	
Special revenue funds:	
Auto theft prevention fund	7,065,000
State general fund/general purpose	\$ 3,680,100
Sec. 103. DEPARTMENTWIDE APPROPRIATIONS	
Special maintenance and utilities	\$ 479,400
Rent and building occupancy charges	8,556,000
Worker's compensation	2,864,000
Fleet leasing	14,637,900
In-service training	850,000
Narcotics investigation funds	265,000
GROSS APPROPRIATION	\$ 27,652,300
Appropriated from:	
Interdepartmental grant revenues:	
IDT, Michigan justice training fund	850,000
Federal revenues:	
Federal narcotics investigation revenues	95,000
Special revenue funds:	
Narcotics investigation revenues	170,000
State general fund/general purpose	\$ 26,537,300
Sec. 104. SUPPORT SERVICES	
Full-time equated classified positions158.5	
Human resources—35.5 FTE positions	\$ 2,645,000
Management services—60.0 FTE positions	4,019,600
Training administration—44.0 FTE positions	4,871,900
Communications—19.0 FTE positions	6,487,700
GROSS APPROPRIATION	\$ 18,024,200
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds	21,000
IDG, training academy charges	2,726,400
Special revenue funds:	
Local - LEIN fees	31,900
Precision driving track fees	264,100
Narcotics investigation revenues	40,600
Motor carrier fees	125,500
State general fund/general purpose	\$ 14,814,700
Sec. 105. HIGHWAY SAFETY PLANNING	
Full-time equated classified positions25.0	
State program planning and administration—13.0 FTE positions	\$ 1,147,000

	For Fiscal Year Ending Sept. 30, 2003
Grants to local governments and nonprofit organizations.....	4,500,000
Secondary road patrol program—1.0 FTE positions.....	12,506,600
Truck safety program—2.0 FTE positions.....	2,983,800
Field coordination and analysis—8.0 FTE positions	1,975,900
Highway traffic safety—1.0 FTE positions	3,973,800
GROSS APPROPRIATION.....	\$ 27,087,100
Appropriated from:	
Federal revenues:	
DOT.....	10,492,000
DOJ.....	560,000
Special revenue funds:	
Truck driver safety fund.....	2,983,800
Secondary road patrol and training fund	12,506,600
State general fund/general purpose	\$ 544,700
Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER	
Full-time equated classified positions	96.5
Criminal justice information center division—78.0 FTE positions.....	\$ 7,566,700
Criminal records improvement—1.0 FTE positions	4,726,200
Traffic safety—17.5 FTE positions	1,518,900
GROSS APPROPRIATION.....	\$ 13,811,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS.....	313,600
IDG-MDOT, state trunkline fund	336,900
Federal revenues:	
DOJ.....	4,726,200
DOT.....	388,500
Special revenue funds:	
Criminal justice information center service fees	5,954,300
State general fund/general purpose	\$ 2,092,300
Sec. 107. FORENSIC SCIENCES	
Full-time equated classified positions	215.0
Laboratory operations—191.0 FTE positions.....	\$ 16,775,300
DNA analysis program—24.0 FTE positions	4,336,800
GROSS APPROPRIATION.....	\$ 21,112,100
Appropriated from:	
Federal revenues:	
DOJ.....	442,900
Special revenue funds:	
Forensic science reimbursement fees	1,626,400
State forensic laboratory fund	1,100,000
State general fund/general purpose	\$ 17,942,800
Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS	
Full-time equated classified positions	28.0
Standards and training—22.0 FTE positions	\$ 2,280,000
Training only to local units—2.0 FTE positions	690,000
Concealed weapons enforcement training	140,000
Officer's survivor tuition program	50,000
Justice training grants—4.0 FTE positions.....	9,032,000
GROSS APPROPRIATION.....	\$ 12,192,000
Appropriated from:	
Federal revenues:	
DOJ.....	360,000
Special revenue funds:	
Secondary road patrol and training fund	690,000
Concealed weapons enforcement fee.....	140,000

	For Fiscal Year Ending Sept. 30, 2003
Michigan justice training fund	9,032,000
Licensing fees	50,000
State general fund/general purpose	\$ 1,920,000
Sec. 109. FIRE MARSHAL	
Full-time equated classified positions	55.0
Fire marshal programs—44.0 FTE positions	\$ 3,929,400
Fire investigation training to locals	51,500
Fire fighters training council—11.0 FTE positions	1,728,400
GROSS APPROPRIATION	\$ 5,709,300
Appropriated from:	
Federal revenues:	
FEMA	150,000
DOT	85,000
State general fund/general purpose	\$ 5,474,300
Sec. 110. EMERGENCY MANAGEMENT	
Full-time equated classified positions	49.0
Emergency management planning and administration—32.0 FTE positions	\$ 2,930,000
Grants to local government	2,182,100
FEMA program assistance—3.0 FTE positions	962,300
Nuclear power plant emergency planning—6.0 FTE positions	1,209,200
Hazardous materials transportation—1.0 FTE positions	579,200
Hazardous materials programs—7.0 FTE positions	6,586,500
GROSS APPROPRIATION	\$ 14,449,300
Appropriated from:	
Federal revenues:	
FEMA	4,664,100
DOT	579,200
DOJ	5,000,000
Special revenue funds:	
Nuclear plant emergency planning reimbursement	1,209,200
Hazardous materials training center fees	1,253,800
State general fund/general purpose	\$ 1,743,000
Sec. 111. UNIFORM SERVICES	
Full-time equated classified positions	2,049.5
Uniform services—610.0 FTE positions	\$ 51,259,500
Security guards—29.0 FTE positions	1,039,900
Reimbursed services	1,598,000
At-post troopers—1,410.5 FTE positions	113,222,300
GROSS APPROPRIATION	\$ 167,119,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	610,100
Federal revenues:	
DOJ	1,500,000
Special revenue funds:	
Highway safety fund	8,448,200
State police service fees	1,598,000
State general fund/general purpose	\$ 154,963,400
Sec. 112. SPECIAL OPERATIONS	
Full-time equated classified positions	61.5
Operational support—40.0 FTE positions	\$ 2,921,800
Traffic services—13.5 FTE positions	2,671,100
Aviation program—8.0 FTE positions	1,739,700
GROSS APPROPRIATION	\$ 7,332,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC, contract	77,200

	For Fiscal Year Ending Sept. 30, 2003
Federal revenues:	
DOT.....	1,378,200
Special revenue funds:	
Rental of department aircraft	180,300
Drunk driving prevention and training fund.....	969,700
State general fund/general purpose	\$ 4,727,200
Sec. 113. CRIMINAL INVESTIGATIONS	
Full-time equated classified positions449.5	
Criminal investigations—335.5 FTE positions	\$ 32,499,500
Federal antidrug initiatives—72.0 FTE positions	10,124,200
Reimbursed services, materials, and equipment	2,332,900
Auto theft prevention—10.0 FTE positions.....	1,372,100
Casino gaming oversight—32.0 FTE positions	3,513,000
GROSS APPROPRIATION.....	\$ 49,841,700
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	1,104,000
IDG-MDTR, casino gaming fees.....	3,513,000
IDG-MDCH, tobacco tax	610,000
Federal revenues:	
Federal investigations - reimbursed services.....	519,700
DOJ.....	7,506,700
Federal narcotics investigation revenues	380,800
Special revenue funds:	
Local - reimbursed services	1,813,200
Narcotics investigation revenues.....	543,000
Forfeiture funds	269,500
State general fund/general purpose	\$ 33,581,800
Sec. 114. MOTOR CARRIER ENFORCEMENT	
Full-time equated classified positions222.0	
Motor carrier enforcement—140.0 FTE positions	\$ 10,125,900
Truck safety enforcement team operations—15.0 FTE positions.....	1,060,000
Safety inspections—46.0 FTE positions.....	6,928,500
School bus inspections—16.0 FTE positions	1,475,300
Safety projects—5.0 FTE positions.....	1,242,200
GROSS APPROPRIATION.....	\$ 20,831,900
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	1,132,100
IDG-MDOT, state trunkline fund	7,883,200
Federal revenues:	
DOT.....	6,712,600
Special revenue funds:	
Motor carrier fees	3,628,700
State general fund/general purpose	\$ 1,475,300
Sec. 115. INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 22,668,600
GROSS APPROPRIATION.....	\$ 22,668,600
Appropriated from:	
Interdepartmental grants revenues:	
IDT-MDTR, casino gaming fees	72,100
IDG-MDOT, state trunkline fund	33,200
Federal revenues:	
DOT.....	29,600
Special revenue funds:	
Local - LEIN fees	2,035,600

	For Fiscal Year Ending Sept. 30, 2003
Local - AFIS fees.....	33,000
Motor carrier fees	14,200
State general fund/general purpose	\$ 20,450,900
Sec. 116. BUDGETARY SAVINGS	
Budgetary savings.....	\$ (2,899,500)
GROSS APPROPRIATION.....	\$ (2,899,500)
Appropriated from:	
State general fund/general purpose	\$ (2,899,500)

PART 2
PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2002-2003 is \$346,911,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$19,968,100.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program \$ 12,381,500

COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units \$ 624,900

Justice training grants 6,471,200

FIRE MARSHAL

Fire fighters training council..... \$ 439,000

Fire investigation training for locals 51,500

Total..... \$ 19,968,100

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

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DNA" means deoxyribonucleic acid.
- (d) "DOJ" means the United States department of justice.
- (e) "DOT" means the United States department of transportation.
- (f) "FEMA" means the federal emergency management agency.
- (g) "FTE" means full-time equated.
- (h) "IDG" means interdepartmental grant.
- (i) "IDT" means intradepartmental transfer.
- (j) "LEIN" means law enforcement information network.
- (k) "MCOLES" means the Michigan commission on law enforcement standards.
- (l) "MDCH" means the Michigan department of community health.
- (m) "MDMB" means the Michigan department of management and budget.
- (n) "MDOC" means the Michigan department of corrections.
- (o) "MDOS" means the Michigan department of state.
- (p) "MDOT" means the Michigan department of transportation.
- (q) "MDTR" means the Michigan department of treasury.

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

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

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report by the last business day of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$3,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$200,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in this act within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Sec. 212. Of the state general fund/general purpose revenue appropriated in this act, \$74,843,500.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

Sec. 216. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Sec. 218. The department shall create and retain copies of reports for all money appropriated under part 1.

Sec. 219. Not later than March 15, 2003 and September 30, 2003, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight:

(a) The amount of money received and expended.

(b) The nature and structure of the casino gaming oversight unit.

(c) The positions and classifications of employees assigned.

(d) The number of full-time and part-time employees and the aggregate number of FTEs.

(e) The number of enlisted and civilian positions.

(f) The duties and responsibilities of the assigned employees.

(g) The immediate past position of the enlisted employees assigned.

Sec. 220. The department shall collect and computerize the vehicle identification number (VIN) of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public at cost. For bulk access to the accident records in which the VIN has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Sec. 221. From the funds appropriated in part 1, the department shall maintain a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation. The department may expend funds for the promotion of the hotline.

Sec. 222. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment, supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools shall be conducted during fiscal year 2002-2003 with the goal of graduating at least 110 new troopers to state service to replace existing troopers projected to separate from the rank of trooper through attrition.

(3) The department shall submit a written report to the senate and house appropriations subcommittees on state police and military affairs no later than November 15, 2002, detailing the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient funding exists under part 1 for at-post troopers or any other budget line to accomplish the goal of subsection (2), the department shall submit a plan outlining the additional funding necessary to accomplish the goal of subsection (2).

Sec. 224. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts.

Sec. 261. (1) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings from the hiring freeze imposed under section 205, efficiencies, and other savings identified by the department director and approved by the state budget director.

(2) Appropriation authorization adjustments required due to the negative appropriation 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. 262. (1) It is the intent of the legislature that the department take steps to engage in cooperative efforts with county, city, township, and village law enforcement agencies in the coordination of law enforcement services and facilities.

(2) From the funds appropriated in part 1, the department shall produce a study concerning the feasibility of the Jackson state police post, the Jackson County sheriff's department, and the city of Jackson police department sharing a common facility. The study shall also examine other ways these law enforcement agencies could work together to maximize the efficient delivery of law enforcement services. The study shall be delivered to the senate and house appropriations subcommittees on state police and military affairs not later than February 15, 2003.

Sec. 263. The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to the city of Highland Park until adequate law enforcement services can be provided to the city of Highland Park by other means.

Sec. 264. Of the funds appropriated in part 1 for rent and building occupancy charges, funds shall be used for the necessary rental costs for a state police post in Marshall.

INFORMATION TECHNOLOGY

Sec. 301. (1) Money appropriated under part 1 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the state budget director.

(2) The department of state police shall assess all subscribers of the Michigan public safety communications system reasonable access and maintenance fees.

(3) All money received by the department of state police under this section shall be deposited to the state general fund pursuant to section 443 of the management and budget act, 1984 PA 431, MCL 18.1443.

(4) The department of state police shall provide a report to the house and senate appropriations committees, house and senate fiscal agencies, and the state budget director on April 15, 2003 and on October 15, 2003, indicating the amount of revenue collected under this section and deposited to the state general fund for the immediately preceding 6-month period.

Sec. 302. The money appropriated in part 1 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN mainframe computer system.

Sec. 303. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology related services and projects. User fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 304. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 305. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2003.

Sec. 306. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

Sec. 307. (1) The department of state police, working with the criminal justice information system policy council, shall implement procedures by which all probation information is placed on the LEIN system. The LEIN system shall include information on each probationer, including any probation conditions placed on a probationer and the name of the probation officer assigned to a probationer. The LEIN system shall also include any nonstandard probation terms.

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2002.

HIGHWAY SAFETY PLANNING

Sec. 401. On a quarterly basis, the department shall report to the senate and house appropriations subcommittees on state police and military affairs on the status of assessments collected and authorized under section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting the secondary road patrol grant program. Each quarterly report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

FORENSIC SCIENCES

Sec. 701. (1) Subject to subsection (4), in addition to the funds appropriated under part 1, the following amounts are appropriated for the fiscal year ending September 30, 2003:

(a) \$431,400.00 is appropriated to the Detroit police department crime laboratory from the state general fund.

(b) \$289,700.00 is appropriated to the Detroit police department special events account from the state general fund.

(2) From the funds appropriated for the Detroit police department crime laboratory, it is the intent of the legislature that the city of Detroit take effective measures so that within 3 years of the start of the 2002-2003 fiscal year the Detroit police laboratory will have earned accreditation from the American society of crime laboratory director's laboratory accreditation board and established the necessary standards within its DNA operations so that it will qualify to input data into the combined DNA identification system (CODIS).

(3) The city of Detroit shall provide a written report to the department which shall include details regarding the expenditures made from the funds appropriated under subsection (1) and a progress report detailing the status toward meeting the objectives under subsection (2). This report shall be forwarded by the department to the house and senate appropriations subcommittees on state police and military affairs, the house and senate fiscal agencies, and the state budget director by January 15, 2003.

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

Sec. 702. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and military affairs and the house and senate fiscal agencies when any changes to the department's DNA protocol are made.

Sec. 703. The department shall work with the department of community health, the Michigan hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Sec. 801. The money appropriated to the MCOLES for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the MCOLES.

Sec. 803. From the appropriations in part 1 for the training of new state troopers and other new police officers in the state and for the continuing education of all law enforcement officers in the state, sufficient funds shall be used to include curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to turn appropriate cases over to the federal bureau of alcohol, tobacco, and firearms or any other applicable federal criminal justice agency.

FIRE MARSHAL

Sec. 901. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than May 15, 2003.

(2) The report shall contain input from a delegate appointed from and by the following organizations:

- (a) Michigan fire chiefs association.
- (b) Michigan state fireman's association.
- (c) Michigan firefighter's union.
- (d) Michigan fire service instructors association.
- (e) Michigan fire inspectors society.
- (f) Michigan chapter of the international association of arson investigators.

(3) The report shall contain information about the quality and adequacy of service from the state fire investigation, education, and training under the reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during fiscal year 2002-2003.

EMERGENCY MANAGEMENT

Sec. 1001. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If funds are expended beyond the appropriations enacted for these purposes in part 1, the department shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

UNIFORM SERVICES

Sec. 1103. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

SPECIAL OPERATIONS

Sec. 1201. In addition to the appropriations in section 112 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft. If funds are expended beyond the appropriation enacted in part 1 for the aviation program, the department shall notify the house and senate subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

Sec. 1202. From the funds appropriated in part 1 for special operations, the department shall fund 1/3 of the cost of an aeronautics safety officer position within the department of transportation to coordinate safety functions between the department, the state transportation department, and the department of natural resources. It is the intent of the legislature that the safety officer position shall be equally funded by the 3 departments.

Sec. 1203. From the funds appropriated in part 1 for special operations, the department shall station at least 1 recovery boat within the Upper Peninsula from its fleet of recovery boats.

CRIMINAL INVESTIGATIONS

Sec. 1301. (1) There is sufficient money appropriated in section 113 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

MOTOR CARRIER ENFORCEMENT

Sec. 1401. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2003 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2002:

- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

(2) If each school bus within a school system receives a 100% successful state inspection on its first inspection in a given year, the department shall award a certificate to that school system.

Sec. 1402. (1) It is the intent of the legislature that funds appropriated for the motor carrier enforcement division be used to the maximum extent possible for the enforcement of motor carrier laws and regulations, particularly for the acquisition of equipment, modern technology, and personnel to do the job.

(2) The department shall submit a written report to the senate and house appropriations subcommittees on state police by November 15, 2002, detailing the department's allocation plan for funds appropriated for motor carrier enforcement for fiscal year 2002-2003. Included in the report shall be the allocation plan for any funds and FTEs appropriated by the legislature which were of a greater amount than contained in the governor's recommendation for fiscal year 2002-2003.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Cameron Brown
John Pappageorge
Conferees for the House

George A. McManus, Jr.
Walter North
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Richardville moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members' desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 998**Yeas—92**

Allen	Gielegthem	Mans	Schauer
Anderson	Gilbert	Mead	Schermesser
Basham	Godchaux	Meyer	Scranton
Bernero	Gosselin	Middaugh	Shackleton
Birkholz	Hager	Mortimer	Sheltrown
Bisbee	Hansen	Murphy	Shulman
Bishop	Hart	Neumann	Spade
Bogardus	Howell	Newell	Stamas
Bovin	Hummel	O'Neil	Stewart
Bradstreet	Jacobs	Palmer	Switalski
Brown, B.	Jansen	Pappageorge	Tabor
Brown, C.	Jelinek	Patterson	Toy
Brown, R.	Johnson, Rick	Pestka	Van Woerkom
Cassis	Johnson, Ruth	Phillips	Vander Roest
Caul	Julian	Plakas	Vander Veen

Dennis	Koetje	Pumford	Vear
DeRossett	Kolb	Quarles	Voorhees
DeVuyst	Kooiman	Raczkowski	Whitmer
Drolet	Kowall	Richardville	Williams
Ehardt	Kuipers	Richner	Wojno
Faunce	LaSata	Rison	Woodward
Frank	Lipsev	Rivet	Woronchak
George	Lockwood	Rocca	Zelenko

Nays—16

Callahan	DeWeese	Jamnick	Reeves
Clark, I.	Garza	Lemmons	Stallworth
Clarke, H.	Hale	McConico	Thomas
Daniels	Hardman	Minore	Waters

In The Chair: Julian

Rep. Richardville moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Third Reading of Bills**House Bill No. 6205, entitled**

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 3e.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 999**Yeas—106**

Allen	Gielegthem	Mans	Schauer
Anderson	Gilbert	McConico	Schermesser
Basham	Godchaux	Mead	Scranton
Bernero	Gosselin	Meyer	Shackleton
Birkholz	Hager	Middaugh	Sheltrown
Bisbee	Hale	Minore	Shulman
Bishop	Hansen	Mortimer	Spade
Bogardus	Hardman	Murphy	Stallworth
Bovin	Hart	Neumann	Stamas
Bradstreet	Howell	Newell	Stewart
Brown, B.	Hummel	O’Neil	Switalski
Brown, C.	Jacobs	Palmer	Tabor
Brown, R.	Jamnick	Pappageorge	Thomas
Callahan	Jansen	Patterson	Toy
Cassis	Jelinek	Pestka	Van Woerkom
Caul	Johnson, Rick	Phillips	Vander Roest
Clark, I.	Johnson, Ruth	Plakas	Vander Veen
Clarke, H.	Julian	Pumford	Vear
Daniels	Koetje	Quarles	Voorhees

DeRossett	Kolb	Raczkowski	Waters
DeVuyst	Kooiman	Reeves	Whitmer
DeWeese	Kowall	Richardville	Williams
Ehardt	Kuipers	Richner	Wojno
Faunce	LaSata	Rison	Woodward
Frank	Lemmons	Rivet	Woronchak
Garza	Lipsey	Rocca	Zelenko
George	Lockwood		

Nays—1

Drolet

In The Chair: Julian

The House agreed to the title of the bill.

Rep. Richardville moved that the bill be given immediate effect.

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

Senate Bill No. 562, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1279a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Scranton moved to amend the bill as follows:

1. Amend page 1, following line 10, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5049 of the 91st Legislature is enacted into law.”.

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

Rep. Richardville moved to reconsider the vote by which the House did not adopt the amendment.

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

The question being on the adoption of the amendment offered by Rep. Scranton,

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1000**Yeas—108**

Allen	Garza	Lipsey	Rocca
Anderson	George	Lockwood	Schauer
Basham	Gielegghem	Mans	Schermesser
Bernero	Gilbert	McConico	Scranton
Birkholz	Godchaux	Mead	Shackleton
Bisbee	Gosselin	Meyer	Sheltrown
Bishop	Hager	Middaugh	Shulman
Bogardus	Hale	Minore	Spade
Bovin	Hansen	Mortimer	Stallworth
Bradstreet	Hardman	Murphy	Stamas
Brown, B.	Hart	Neumann	Stewart
Brown, C.	Howell	Newell	Switalski
Brown, R.	Hummel	O’Neil	Tabor

Callahan	Jacobs	Palmer	Thomas
Cassis	Jamnick	Pappageorge	Toy
Caul	Jansen	Patterson	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Plakas	Vear
Dennis	Julian	Pumford	Voorhees
DeRossett	Koetje	Quarles	Waters
DeVuyst	Kolb	Rackowski	Whitmer
DeWeese	Kooiman	Reeves	Williams
Drolet	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko

Nays—0

In The Chair: Julian

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

“An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts.”.

The House agreed to the full title.

Rep. Richardville moved that the bill be given immediate effect.

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

Second Reading of Bills

Senate Bill No. 1316, entitled

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to allow for the creation of a center to manage the authority's land; to convey state land; and to exempt property, income, and operations of an authority from tax.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Energy and Technology,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Bradstreet moved to amend the bill as follows:

1. Amend page 28, line 20, after “act” by inserting a comma and “2002 PA 470, MCL 129.171 to 129.177”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Richardville moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Richardville moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1316, entitled

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to allow for the creation of a center to manage the authority's land; to convey state land; and to exempt property, income, and operations of an authority from tax.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1001

Yeas—107

Allen	George	Lockwood	Schauer
Anderson	Gielegghem	Mans	Schermesser
Basham	Gilbert	McConico	Scranton
Bernero	Godchaux	Mead	Shackleton
Birkholz	Gosselin	Meyer	Sheltrown
Bisbee	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stallworth
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O'Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Rackowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko
Garza	Lipsey	Rocca	

Nays—1

Drolet

In The Chair: Julian

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative

energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to convey state land; and to exempt property, income, and operations of an authority from tax.

The motion prevailed.

The House agreed to the title as amended.

Rep. Richardville moved that the bill be given immediate effect.

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

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 6071, entitled

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

(The bill was received from the Senate on June 19, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until June 20, see House Journal No. 57, p. 2139.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1002

Yeas—107

Allen	George	Lockwood	Schauer
Anderson	Gielegthem	Mans	Schermesser
Basham	Gilbert	McConico	Scranton
Bernero	Godchaux	Mead	Shackleton
Birkholz	Gosselin	Meyer	Sheltrown
Bisbee	Hager	Middaugh	Shulman
Bishop	Hale	Minore	Spade
Bogardus	Hansen	Mortimer	Stallworth
Bovin	Hardman	Murphy	Stamas
Bradstreet	Hart	Neumann	Stewart
Brown, B.	Howell	Newell	Switalski
Brown, C.	Hummel	O’Neil	Tabor
Brown, R.	Jacobs	Palmer	Thomas
Callahan	Jamnick	Pappageorge	Toy
Cassis	Jansen	Patterson	Van Woerkom
Caul	Jelinek	Pestka	Vander Roest
Clark, I.	Johnson, Rick	Phillips	Vander Veen
Clarke, H.	Johnson, Ruth	Plakas	Vear
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Quarles	Waters
DeRossett	Kolb	Rackowski	Whitmer
DeVuyst	Kooiman	Reeves	Williams
DeWeese	Kowall	Richardville	Wojno
Ehardt	Kuipers	Richner	Woodward
Faunce	LaSata	Rison	Woronchak
Frank	Lemmons	Rivet	Zelenko
Garza	Lipsey	Rocca	

Nays—1

Drolet

In The Chair: Julian

The House agreed to the full title of the bill.

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

By unanimous consent the House returned to the order of
Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning
House Bill No. 5651, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Recommends:

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

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

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

STATE TRANSPORTATION DEPARTMENT

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	6.0	
Full-time equated classified positions	3,069.3	
GROSS APPROPRIATION.....		\$ 3,125,181,500
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 3,125,181,500
Federal revenues:		
DOT-federal transit act.....	47,550,000	
DOT-FHWA, highway research, planning, and construction	936,526,100	
DOT-FRA, local rail service assistance.....	100,000	
DOT-FRA, rail passenger/HSGT	3,000,000	
Total federal revenues	987,176,100	
Special revenue funds:		
Total local revenues	5,800,000	
Total private revenues	0	
Total local and private revenues.....	5,800,000	
Michigan transportation fund	1,093,043,700	
Economic development fund.....	57,315,000	
State trunkline fund.....	713,370,400	
State aeronautics fund	12,107,800	
Comprehensive transportation fund.....	239,751,000	
Blue Water Bridge fund	13,617,500	
Intercity bus equipment fund	1,000,000	
Rail preservation fund.....	2,000,000	
Total other state restricted revenues.....	2,132,205,400	
State general fund/general purpose		\$ 0

Sec. 102. DEBT SERVICE

State trunkline.....	\$ 91,903,200
Economic development	13,928,900
Critical bridge.....	3,000,000

	For Fiscal Year Ending Sept. 30, 2003
Blue Water Bridge.....	2,308,100
Airport safety and protection plan.....	5,000,000
Comprehensive transportation.....	21,491,900
GROSS APPROPRIATION.....	\$ 137,632,100
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction	21,000,000
Special revenue funds:	
Comprehensive transportation fund.....	21,491,900
Michigan transportation fund	3,000,000
State trunkline fund.....	70,903,200
Blue Water Bridge fund	2,308,100
Economic development fund.....	13,928,900
State aeronautics fund	5,000,000
State general fund/general purpose	\$ 0
Sec. 103. INTERDEPARTMENT AND STATUTORY CONTRACTS	
MTF grant to department of environmental quality.....	\$ 884,800
MTF grant to department of state for collection of revenue and fees.....	90,430,700
MTF grant to department of state for commemorative and specialty plates	4,069,300
MTF grant to legislative auditor general	138,000
MTF grant to department of treasury	10,225,000
STF grant to department of attorney general.....	2,566,200
STF grant to department of civil service	2,000,000
STF grant to department of management and budget	1,133,900
STF grant to department of state police	8,253,300
STF grant to department of treasury	29,100
STF grant to legislative auditor general	404,200
SAF grant to department of attorney general	125,400
SAF grant to department of civil service	50,000
SAF grant to department of management and budget.....	27,900
SAF grant to department of treasury	64,100
SAF grant to legislative auditor general.....	17,100
CTF grant to department of attorney general	131,500
CTF grant to department of civil service	90,000
CTF grant to department of management and budget.....	49,900
CTF grant to department of treasury	5,300
CTF grant to legislative auditor general.....	48,200
GROSS APPROPRIATION.....	\$ 120,743,900
Appropriated from:	
Special revenue funds:	
Comprehensive transportation fund.....	324,900
Michigan transportation fund	105,747,800
State aeronautics fund	284,500
State trunkline fund.....	14,386,700
State general fund/general purpose	\$ 0
Sec. 104. EXECUTIVE DIRECTION	
Full-time equated unclassified positions	6.0
Full-time equated classified positions	33.3
Unclassified salaries	\$ 532,200
State transportation commission (per diem payments)	10,000
Commission audit—33.3 FTE positions	2,983,000
GROSS APPROPRIATION.....	\$ 3,525,200
Appropriated from:	
Special revenue funds:	
State trunkline fund.....	3,525,200
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2003

Sec. 105. ADMINISTRATIVE SERVICES

Full-time equated classified positions	106.0	
Administration—66.0 FTE positions		\$ 5,934,700
Property management.....		7,237,300
Human resources—31.0 FTE positions		2,478,300
Economic development administration—9.0 FTE positions		759,500
Worker's compensation		2,966,000
GROSS APPROPRIATION.....		\$ 19,375,800

Appropriated from:

Special revenue funds:

Economic development fund		500,700
State aeronautics fund		657,400
Comprehensive transportation fund.....		1,599,000
Michigan transportation fund		77,100
State trunkline fund.....		16,541,600
State general fund/general purpose	\$	0

Sec. 106. INFORMATION TECHNOLOGY

Information technology services and projects	\$	26,396,400
GROSS APPROPRIATION.....	\$	26,396,400

Appropriated from:

Federal revenues:

DOT-FHWA highway research, planning, and construction		640,000
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Special revenue funds:

Blue Water Bridge fund		43,900
Comprehensive transportation fund.....		240,900
Economic development fund.....		37,100
Michigan transportation fund		35,200
State aeronautics fund		134,500
State trunkline fund.....		25,264,800
State general fund/general purpose	\$	0

Sec. 107. BUREAU OF FINANCE AND ADMINISTRATION

Full-time equated classified positions	237.0	
Administration—237.0 FTE positions		\$ 19,758,200
GROSS APPROPRIATION.....		\$ 19,758,200

Appropriated from:

Special revenue funds:

Michigan transportation fund		1,127,500
State trunkline fund.....		18,630,700
State general fund/general purpose	\$	0

Sec. 108. BUREAU OF TRANSPORTATION PLANNING

Full-time equated classified positions	175.0	
Administration—175.0 FTE positions		\$ 22,254,900
Grants to regional planning councils.....		488,800
GROSS APPROPRIATION.....		\$ 22,743,700

Appropriated from:

Federal revenues:

DOT-FHWA highway research, planning, and construction		14,566,800
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Special revenue funds:

State aeronautics fund		200,800
Comprehensive transportation fund.....		1,168,000
Michigan transportation fund		4,760,900
State trunkline fund.....		2,047,200
State general fund/general purpose	\$	0

Sec. 109. BUREAU OF HIGHWAYS

Full-time equated classified positions	1,625.4	
Engineering operations—799.4 FTE positions		\$ 31,796,800

	For Fiscal Year Ending Sept. 30, 2003
Maintenance operations—78.0 FTE positions	7,071,200
Program services—748.0 FTE positions	39,004,800
GROSS APPROPRIATION.....	\$ 77,872,800
Appropriated from:	
Federal revenues:	
DOT-FHWA highway research, planning, and construction	5,000,000
Special revenue funds:	
Michigan transportation fund	4,155,900
State trunkline fund.....	68,716,900
State general fund/general purpose	\$ 0
Sec. 110. HIGHWAY MAINTENANCE	
Full-time equated classified positions699.6	
State trunkline operations—699.6 FTE positions	\$ 99,057,900
Contract operations	133,853,200
GROSS APPROPRIATION.....	\$ 232,911,100
Appropriated from:	
Special revenue funds:	
State trunkline fund.....	232,911,100
State general fund/general purpose	\$ 0
Sec. 111. ROAD AND BRIDGE PROGRAMS	
State trunkline federal aid and road and bridge construction.....	\$ 921,880,300
Local federal aid and road and bridge construction.....	215,132,000
Grants to local programs.....	33,000,000
Rail grade crossing	3,000,000
Critical bridge fund.....	29,750,000
County road commissions	597,971,700
Cities and villages.....	333,396,100
GROSS APPROPRIATION.....	\$ 2,134,130,100
Appropriated from:	
Federal revenues:	
DOT-FHWA, highway research, planning, and construction	895,319,300
Special revenue funds:	
Local funds	5,000,000
Blue Water Bridge fund	1,000,000
Michigan transportation fund	972,367,800
State trunkline fund.....	260,443,000
State general fund/general purpose	\$ 0
Sec. 112. BLUE WATER BRIDGE	
Full-time equated classified positions33.0	
Blue Water Bridge operations—33.0 FTE positions	\$ 10,265,500
GROSS APPROPRIATION.....	\$ 10,265,500
Appropriated from:	
Special revenue funds:	
Blue Water Bridge fund	10,265,500
State general fund/general purpose	\$ 0
Sec. 113. TRANSPORTATION ECONOMIC DEVELOPMENT FUND	
Forest roads	\$ 5,040,000
Rural county urban system.....	2,500,000
Target industries/economic redevelopment.....	19,404,300
Urban county congestion.....	7,952,000
Rural county primary	7,952,000
GROSS APPROPRIATION.....	\$ 42,848,300
Appropriated from:	
Special revenue funds:	
Economic development fund.....	42,848,300
State general fund/general purpose	\$ 0

For Fiscal Year
Ending Sept. 30,
2003

Sec. 114. BUREAU OF AERONAUTICS

Full-time equated classified positions	56.0	
Administration—56.0 FTE positions		\$ 5,530,600
Air service program		300,000
GROSS APPROPRIATION		\$ 5,830,600

Appropriated from:

Special revenue funds:

State aeronautics fund		5,830,600
State general fund/general purpose	\$	0

Sec. 115. BUREAU OF URBAN AND PUBLIC TRANSPORTATION

Full-time equated classified positions	104.0	
Administration—104.0 FTE positions		\$ 8,725,400
GROSS APPROPRIATION		\$ 8,725,400

Appropriated from:

Special revenue funds:

Comprehensive transportation fund		6,953,900
Michigan transportation fund		1,771,500
State general fund/general purpose	\$	0

Sec. 116. BUS TRANSIT DIVISION: STATUTORY OPERATING

Local bus operating	\$	160,000,000
Nonurban operating/capital		10,300,000
GROSS APPROPRIATION	\$	170,300,000

Appropriated from:

Federal revenues:

DOT-federal transit act		10,100,000
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Special revenue funds:

Comprehensive transportation fund		160,000,000
Local funds		200,000
State general fund/general purpose	\$	0

Sec. 117. INTERCITY PASSENGER AND FREIGHT

Freight property management	\$	1,500,000
Detroit/Wayne County port authority		500,000
Intercity bus equipment		3,000,000
Rail passenger service		11,300,000
Freight preservation and development		5,692,900
Rail infrastructure loan program		100,000
Intercity bus service development		2,850,000
Marine passenger service		800,000
Terminal development		2,884,800
GROSS APPROPRIATION	\$	28,627,700

Appropriated from:

Federal revenues:

DOT-federal transit act		1,500,000
DOT-FRA, local rail service assistance		100,000
DOT-FRA, rail passenger/HSGT		3,000,000

Special revenue funds:

Rail preservation fund		2,000,000
Intercity bus equipment fund		1,000,000
Comprehensive transportation fund		20,977,700
Local funds		50,000
State general fund/general purpose	\$	0

Sec. 118. PUBLIC TRANSPORTATION DEVELOPMENT

Specialized services	\$	3,939,500
Municipal credit program		2,000,000
Bus capital		48,849,500
Ride sharing		330,700

	For Fiscal Year Ending Sept. 30, 2003
Van pooling.....	195,000
Bus property management.....	50,000
Service development and new technology.....	1,550,000
Planning grants	80,000
Audit settlements	150,000
Regional service coordination	500,000
Work first initiative.....	5,850,000
GROSS APPROPRIATION.....	\$ 63,494,700
Appropriated from:	
Federal revenues:	
DOT-federal transit act.....	35,950,000
Special revenue funds:	
Comprehensive transportation fund.....	26,994,700
Local funds	550,000
State general fund/general purpose	\$ 0

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2002-2003 is \$2,132,205,400.00 and state spending from state resources to be paid to local units of government for fiscal year 2002-2003 is \$1,176,250,300.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF TRANSPORTATION

Local grant program.....	\$ 33,000,000
Economic development fund.....	23,444,000
Grants to cities and villages	333,396,100
Grants to county road commissions	597,971,700
Critical bridge fund.....	5,750,000
Grants to regional planning councils.....	488,800
Local bus operating.....	160,000,000
Bus capital	14,549,500
Marine passenger service	800,000
Detroit/Wayne County port authority	500,000
Local ride sharing operating grants	330,700
Planning grants	80,000
Municipal credit program.....	2,000,000
Specialized services	3,939,500
Total payments to local units of government.....	\$ 1,176,250,300

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

Sec. 203. As used in this act:

- (a) "CTF" means comprehensive transportation fund.
- (b) "Department" means the department of transportation.
- (c) "DOT" means the United States department of transportation.
- (d) "DOT-FHWA" means DOT, federal highway administration.
- (e) "DOT-FRA" means DOT, federal railroad administration.
- (f) "DOT-FRA, rail passenger/HSGT" means DOT, federal railroad administration, high-speed ground transportation.
- (g) "EDF" means economic development fund.
- (h) "FTE" means full-time equated.
- (i) "MTF" means Michigan transportation fund.
- (j) "RIF" means recreation improvement fund.
- (k) "SAF" means state aeronautics fund.
- (l) "STF" means state trunkline fund.

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

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

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

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$40,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

Sec. 207. At least 90 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months. As used in this section, "privatize" or "privatization" means the transfer of state highway maintenance functions or activities currently performed by department forces, or by boards of county road commissioners, county boards of commissioners, or local units of government under contract with the department, to private contractors.

Sec. 208. Unless otherwise specified, the department shall use the internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an internet or intranet site. Quarterly, the department shall provide to the senate and house appropriations subcommittees, the state budget office, and the senate and house fiscal agencies an electronic and paper copy listing of the reports submitted during the most recent 3-month period along with the internet or intranet site of each report, if any.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. The department shall give priority to the purchase of Michigan goods and services.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. Each director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 259. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 260. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

DEPARTMENTAL SECTIONS

Sec. 301. (1) The department may establish a fee schedule and collect fees sufficient to cover the costs to issue the permits that the department is authorized by law to issue upon request, and for which fees are not otherwise stipulated by law. All permit fees are nonrefundable application fees and shall be credited to the state trunkline fund to recover the direct and indirect costs of receiving, reviewing, and processing the requests.

(2) A bridge authority shall hold 3 public hearings on a change in any toll charged by the authority at least 30 days before the toll change will become effective. Two of the hearings shall be held within 5 miles of the bridge over which the bridge authority has jurisdiction. One hearing shall be held in Lansing.

Sec. 303. On request, the department shall provide to a legislator, in writing, a report on the amount of money to be received by each city and village and the county road commission of each county, that is included in whole or in part within the legislator's legislative district.

Sec. 304. If, as a requirement of bidding on a highway project, the department requires a contractor to submit financial or proprietary documentation as to how the bid was calculated, that bid documentation shall be kept confidential and shall not be disclosed other than to a department representative without the contractor's written consent. The department may disclose the bid documentation if necessary to address or defend a claim by a contractor.

Sec. 305. The department may permit space on public passenger transportation properties to be occupied by public or private tenants on a competitive market rate basis. The department may require that revenue from the tenants be placed in an account to be used to pay the costs to maintain and improve the property.

Sec. 306. From the funds appropriated in part 1, the auditor general shall conduct an audit of charges to transportation funds by state departments. The auditor general shall prepare a detailed report, with recommendations and conclusions, including a list of services charged to transportation funds, the appropriateness of those charges, and the cost allocation methodologies used in determining the level of funding, and provide the report, upon request, to any member of the senate and house of representatives and to the senate and house fiscal agencies by March 1, 2003.

Sec. 307. Before February 1 of each year, the department will provide to the legislature, the state budget office, and the house and senate fiscal agencies its rolling 5-year plan listing by county or by county road commission all highway construction projects for the fiscal year and all expected projects for the ensuing fiscal years.

Sec. 308. The department and local road agencies that receive appropriations under this act shall pursue compliance with contract specifications for construction and maintenance of state highways and local roads and streets. Work shall not be accepted and paid for until it complies with contract requirements. Contractors with unsatisfactory performance ratings shall be restricted from future bidding through the prequalification process established by the department or a local road agency. The department, county road commissions, and cities and villages shall report to the house of representatives and senate appropriations subcommittees on transportation on their respective activities under this section.

Sec. 309. The department shall continue its efforts to reduce administrative costs and provide the maximum funding possible for construction projects.

Sec. 310. The department shall provide in a timely manner copies of the agenda and approved minutes of monthly transportation commission meetings to the members of the house and senate appropriations subcommittees on transportation, the house and senate fiscal agencies, and the state budget director.

Sec. 311. The department shall not use funds appropriated under part 1 on behalf of a local governmental unit to pay the amount required for that local governmental unit to participate in the federal advance construct program.

Sec. 312. At the close of the fiscal year ending September 30, 2003, any unencumbered and unexpended balance in the state trunkline fund shall remain in the state trunkline fund and shall carry forward and is appropriated for federal aid road and bridge programs for projects contained in the annual state transportation program.

Sec. 313. (1) From funds appropriated in part 1, the department may increase a state infrastructure bank program and grant or loan funds in accordance with regulations of the state infrastructure bank program of the United States department of transportation. The state infrastructure bank is to be administered by the department for the purpose of providing a revolving, self-sustaining resource for financing transportation infrastructure projects.

(2) In addition to funds provided in subsection (1), money received by the state as federal grants, repayment of state infrastructure bank loans, or other reimbursement or revenue received by the state as a result of projects funded by the program and interest earned on that money shall be deposited in the revolving state infrastructure bank fund and shall be available for transportation infrastructure projects. At the close of the fiscal year, any funds remaining in the state infrastructure bank fund shall remain in the fund and be carried forward into the succeeding fiscal year.

Sec. 314. The department shall provide a report prepared by the department's internal auditor on the activities of the internal auditor for the prior fiscal year. This report shall include a listing of each audit or investigation performed by the internal auditor pursuant to sections 486(4) and 487 of the management and budget act, 1984 PA 431, MCL 18.1486 and 18.1487. The report shall identify the proportion of time spent on each of the statutory responsibilities listed in sections 485(4), 486(4), and 487 of the management and budget act, 1984 PA 431, MCL 18.1485, 18.1486, and 18.1487, and the time spent on all other activities performed in the internal audit function. The report shall be due biennially beginning on May 1, 2001 and shall be submitted to the governor, auditor general, the senate and house of representatives appropriations committees, the senate and house fiscal agencies, and the director.

Sec. 317. Funds appropriated in part 1 for state transportation commission per diem payments shall provide daily per diem payments of \$100.00 to each of the 6 appointed members of the state transportation commission for all scheduled state transportation commission meetings.

Sec. 318. The department shall continue its program to increase the use of women- and minority-owned businesses in state and local road construction projects. This program shall comprise, at a minimum, outreach and education efforts to inform women- and minority-owned firms of department competitive bidding processes and requirements, and an assessment of the availability of surety for women- and minority-owned businesses. The department shall report by March 31, 2003 to the house of representatives and senate appropriations subcommittees on transportation and the house and senate fiscal agencies of its progress in complying with this section.

Sec. 319. The department shall post signs at each rest area to identify the agency or contractor responsible for maintenance of the rest area. The signs shall include a department telephone number and shall indicate that unsafe or unclean conditions at the rest area may be reported to that telephone number.

Sec. 322. Not later than January 1, 2003, the department shall fill all vacant bridge inspector positions. Not later than February 15, 2003, the department shall report to the senate and house of representatives appropriations subcommittees on transportation the number of full-time and part-time positions assigned to bridge inspection activities, the number of vacancies, and any plans to fill the vacancies.

Sec. 324. From the funds appropriated in part 1, up to \$700,000.00 from the state trunkline fund shall be used for enhanced construction zone traffic law enforcement. The funding shall be used to reimburse law enforcement agencies for costs associated with construction zone traffic enforcement. The funding shall be provided based on approved memoranda of understanding between the department and participating law enforcement agencies.

Sec. 328. The department shall issue a preliminary list of those bridges that are scheduled to receive federal bridge funds under the critical bridge program and shall notify those local communities and road agencies by December 31, 2002. The department shall issue a final list of those bridges that are scheduled to receive federal bridge funds under the critical bridge program and shall notify those local communities and road agencies scheduled to receive federal bridge funding under the critical bridge program no later than February 3, 2003.

Sec. 334. The department shall pursue grants from federal or other sources to study the use of power sources other than gasoline or diesel fuel for the propulsion of motor vehicles.

Sec. 335. The department shall work in collaboration with the family independence agency regarding the summer youth programs. The programs shall seek to employ inner city youth in street and highway beautification projects.

Sec. 349. The department shall develop a plan to implement the policy of the state transportation commission on noise abatement. The department shall report on its efforts to implement the commission's policy to the house and senate appropriations subcommittees on transportation and to the house and senate fiscal agencies on or before October 1, 2002.

Sec. 350. (1) The established overall disadvantaged business enterprise goal shall identify the relative availability of disadvantaged business enterprises based on evidence of ready, willing, and able disadvantaged business enterprises relative to all firms within the department's marketplace. The overall annual goal shall reflect the department's determination of the level of disadvantaged business enterprise participation which could be expected absent the effects of discrimination. The department's methodology to develop the overall disadvantaged business enterprise goal will be announced in electronic and print media to ensure broad public participation in the goal-setting process in accordance with 49 C.F.R. 26.45.

(2) The department shall work to coordinate a meeting prior to the annual construction season between the road construction industry and the Michigan minority business development council.

Sec. 351. From the funds appropriated in part 1, up to \$1,500,000.00 shall be made available for additional lane closure incentives on the M-6/US-131 project for calendar year 2003. Funding may be provided from any excess funds available under the M-6 project.

Sec. 352. (1) Each county road commission, or in the case of a charter county with a population of 2,000,000 or more with an elected county executive that does not have a board of county road commissioners, the county executive, shall prepare, and present to the department, a map illustrating the all-season county road network under its jurisdiction. The county road commissions shall record this information on an official county highway map provided to them by the department. The department shall provide each county road commission with 3 official copies of their county road highway map on or before October 1, 2003.

(2) After compiling this information for all Michigan counties, the department shall prepare a report on the current all-season road network within the state. This report shall illustrate the current all-season road network under state and county control, identify contiguity gaps in this network, and suggest ways to improve connectivity on the current all-season network. This report shall be presented to the house and senate appropriations subcommittees on transportation, the house and senate transportation policy committees, and the house and senate fiscal agencies on or before October 1, 2004.

Sec. 353. The department shall review its contractor payment process and use its best efforts to ensure that all prime contractors are paid promptly. The department shall work to ensure that prime contractors are in compliance with special provision 109.10 regarding the prompt payment of subcontractors.

Sec. 355. The department in consultation with the department of environmental quality shall design and build at least 1 demonstration road preservation project using an asphalt pavement design mixture including recycled or scrap tires.

For purposes of the demonstration, 1 of these projects may be constructed on a local road requiring repaving. The department shall report to the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1, 2003 on its findings.

Sec. 357. Where possible, the department shall complete all necessary reviews and inspections required to let local federal aid projects within 120 days of the department's receipt of local federal aid project submittals. The department shall implement a system for monitoring the local federal aid project review process.

FEDERAL

Sec. 401. When the department receives authorization from the federal government to commit transportation funds pursuant to federal appropriations, it shall present to the senate and house of representatives appropriations transportation subcommittees and the senate and house fiscal agencies, the federal amounts and categories authorized and the department's recommendation for distribution of these funds. If a recommendation or recommendations are not disapproved within 30 business days by either the senate or house of representatives appropriations transportation subcommittees, then the recommendation or recommendations shall be considered as approved. If either the senate or house of representatives appropriations transportation subcommittee disapproves the proposed distribution, then the senate and house of representatives appropriations transportation subcommittees and the department shall hold a joint meeting on the issue to arrive at a final distribution. If no agreement is reached between the parties, the department's distribution shall stand.

Sec. 402. (1) Twenty-three to twenty-seven percent of the DOT-FHWA highway research, planning, and construction federal funds appropriated in part 1 shall be allocated to programs administered by local jurisdictions after deduction of the following:

(a) Funds that are specifically allocated at the federal level to the state or local jurisdictions.

(b) Funds allocated by the department to the state and to local jurisdictions through a competitive process.

(2) Federal aid excluded from the calculation of funding allocated to programs administered by local jurisdictions in subsection (1) includes, but is not limited to, congestion mitigation and air quality funds, federal bridge funds, transportation enhancement funds, funds distributed at the discretion of the United States secretary of transportation, and congressionally designated funds.

(3) The funds shall be distributed to eligible local agencies for transportation purposes in a manner consistent with state and federal law.

(4) Federal aid to highways allocated to local jurisdictions in subsection (1) shall be distributed in a manner that produces a 25% average allocation of applicable funds to programs for local jurisdictions in each fiscal year through the fiscal year ending September 30, 2005. The average allocation of applicable federal aid to highway funds to programs for local jurisdictions shall be the average of the amount distributed to local jurisdictions under subsection (1) and similarly calculated distributions in each succeeding fiscal year.

(5) The allocation percentage described in subsection (1) shall be adjusted to reflect any voluntary agreements made by the department with local jurisdictions regarding the transfer of federal aid eligible roadways or the state buyout of local federal aid.

(6) The department shall not borrow against the critical bridge fund for the first 9 months of the fiscal year.

(7) The federal funds appropriated in part 1 for local federal aid and road and bridge construction, to eligible local road agencies, may be transferred through a voluntary buyout agreement made between eligible local road agencies.

Sec. 404. It is the intent of the legislature that \$3,750,000.00 in federal high priority project funds designated in the transportation equity act for the 21st century, Public Law 105-178, 112 Stat. 107, to improve I-94 in Kalamazoo County be expended by the department for preliminary engineering and design work related to rehabilitation and capacity improvements to I-94 between US-131 and Sprinkle road in Kalamazoo County.

Sec. 405. Of the funds appropriated in part 1 for the critical bridge program, \$24,000,000.00 in federal highway bridge replacement and rehabilitation program funds are allocated to the critical bridge fund for the purpose of repairing or replacing bridges in the local off-system categories and local on-system categories. These funds shall be excluded from calculation of funding allocated to programs administered by local jurisdictions required in section 402.

MICHIGAN TRANSPORTATION FUND

Sec. 501. The money received under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.43, and not appropriated to the department of consumer and industry services or the department of state police is deposited in the Michigan transportation fund.

Sec. 502. The department of treasury shall perform audits and make investigations of the disposition of all state funds received by county road commissions or county boards of commissioners, as applicable, and cities and villages for transportation purposes to determine compliance with the terms and conditions of 1951 PA 51, MCL 247.651 to 247.675. County road commissions or county boards of commissioners, as applicable, and cities and villages shall make available to the department of treasury the pertinent records for the audit.

Sec. 503. (1) The funds appropriated in part 1 for the economic development and critical bridge programs shall not lapse at the end of the fiscal year but shall carry forward each fiscal year for the purposes for which appropriated in accordance with 1987 PA 231, MCL 247.901 to 247.913, and section 11b of 1951 PA 51, MCL 247.661b.

(2) Interest earned in the department of transportation economic development fund and critical bridge fund shall remain in the respective funds and shall be allocated to the respective programs based on actual interest earned at the end of each fiscal year.

(3) The department of transportation economic development fund and critical bridge fund may receive and expend federal, local, or private funds or restricted source funds such as interest earnings for projects that are consistent with the programmatic mission of the respective funds in addition to funds appropriated in part 1.

(4) None of the funds statutorily dedicated to the transportation economic development fund and critical bridge fund shall be diverted to other projects.

Sec. 504. (1) Funds from the Michigan transportation fund (MTF) shall be distributed to the comprehensive transportation fund (CTF), the economic development fund (EDF), the recreational improvement fund (RIF), and the state trunkline fund (STF), in accordance with this act and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108, and may only be used as specified in this act, 1951 PA 51, MCL 247.651 to 247.675, and part 711 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.71101 to 324.71108.

(2) The amounts appropriated and transferred to various state agencies from part 1 shall be expended from the transportation funds pursuant to annual contracts between the department and state agencies providing tax and fee collection and other services applicable to transportation funds. The contracts shall be executed prior to the transfer of these funds. The contracts shall provide, but are not limited to, the following data applicable to each state agency:

(a) Estimated costs to be recovered from transportation funds.

(b) Description of services financed with transportation funds.

(c) Detailed cost allocation methods that are appropriate to the type of services being provided and the activities financed with transportation funds.

(3) At the close of each fiscal year and before April 1, each state agency receiving an interdepartment and statutory contract from the department shall submit a written report to the department, the state budget director, and the house and senate fiscal agencies stating by spending authorization account the amount of estimated funds contracted with the department, the amount of funds expended, and the amount of funds returned to the transportation funds. A copy of the report shall be submitted to the auditor general and the report shall be subject to audit by the auditor general.

(4) In addition to subsection (2), the department is authorized to receive billings from other state agencies that provide transportation-related services and to make payments from the Michigan transportation fund, comprehensive transportation fund, economic development fund, state aeronautics fund, and state trunkline fund as determined by the department based on allowable expenditures and verification by the department.

Sec. 505. (1) Of the amount appropriated in part 1 from the Michigan transportation fund to the department of state, \$186,600.00 represents the additional cost of issuing specialized license plates for veterans and national guard members, as included in sections 803i, 803j, 803k, and 803l of the Michigan vehicle code, 1949 PA 300, MCL 257.803i, 257.803j, 257.803k, and 257.803l, and \$187,600.00 represents the additional cost of issuing generic license plates for nonprofit fraternal or public service organizations, as included in section 803m of the Michigan vehicle code, 1949 PA 300, MCL 257.803m.

(2) In addition, commemorative and specialty license plate fee revenue collected by the department of state and deposited into the Michigan transportation fund is authorized for expenditure by the department of state up to the amount of revenue collected, but not to exceed \$2,147,300.00 for commemorative plates and \$3,915,000.00 for specialty plates. These amounts are appropriated to the department of state in part 1 to administer the commemorative and specialty license plate programs pursuant to section 225 of the Michigan vehicle code, 1949 PA 300, MCL 257.225.

(3) The department of state shall prepare an annual report on the number of, and the additional costs associated with, these license plate programs to the department, the state budget director, the house and senate fiscal agencies, and the chairpersons of the house of representatives and senate appropriations subcommittees on transportation.

(4) Any unspent funds based on these annual reports shall lapse to the Michigan transportation fund and be distributed in accordance with 1951 PA 51, MCL 247.651 to 247.675.

Sec. 506. From the funds appropriated in part 1 for county road commissions, no county road commission shall pay any fee to the state department of natural resources to cut down and/or remove any tree or vegetation on any county right-of-way property.

Sec. 507. It is the intent of the legislature to reduce the level of funding for grants from state-restricted transportation funds to other state departments. The department shall recommend alternative funding methods for services provided by other state departments, other than interdepartmental grants from state-restricted transportation funds. The department shall report its recommendations to the house and senate appropriations subcommittees on transportation and to the house and senate fiscal agencies by February 1, 2003.

STATE TRUNKLINE FUND

Sec. 601. The department shall work with the road construction industry to develop performance and road construction warranties for construction contracts. The development of warranties shall include warranties on materials, workmanship, performance criteria, and design/build projects. The department will report by September 30,

2003 to the house of representatives and senate appropriations subcommittees on transportation, the state budget office, and the house and senate fiscal agencies on the status of efforts to develop performance and road construction warranties.

Sec. 602. If the department uses manufactured pipe for road construction drainage, the department shall require that pipe used under certain load-bearing conditions beneath the roadway meet the standards established by the American society for testing and materials (ASTM) or American association of state highway and transportation officials (AASHTO). The department may also use the mandrel test for manufactured pipe 60 days after installation and provide a summary of the results of these inspections to the house of representatives and senate appropriations subcommittees on transportation and house and senate fiscal agencies.

Sec. 603. It is the intent of the legislature that the department shall use traffic congestion as 1 of the criteria in determining the priorities for designating which roads shall be remediated in its 5-year road plan, which must be submitted on or before February 1, 2003. Criteria for evaluating traffic congestion shall include, but not be limited to, coordination with local, county, and regional planning, improvement in traffic operations, improvement in physical roadway conditions, accident reduction, and coordination with area public transportation planning.

Sec. 607. Funding shall be made available for the remediation of unsafe pedestrian crossings on state highways. Funds from this appropriation may be expended only as matching funds for up to 50% of project cost with additional project funding to be provided by local units of government or through private contributions. Selected projects shall require the approval of the transportation commission. Maintenance of pedestrian overpasses constructed from funds made available through this appropriation shall be the responsibility of a local unit of government or public or private institutions of higher education.

Sec. 608. From the amounts appropriated in part 1 for forest roads from the transportation economic development fund in the fiscal year ending September 30, 2003, \$40,000.00 shall be used for the purpose of establishing 2 additional truck inspection stations. The department shall work directly with representatives of the timber industry to educate truck drivers on the use of the stations. The department shall report on the status of this program.

Sec. 610. It is the intent of the legislature that the department have as a priority the removal of dead deer and other large animal remains from the traveled portion and shoulder of state highways. The department, and counties that perform state highway maintenance under contract, shall remove animal remains, wherever practicable, away from the traveled portion and shoulder of state highways.

Sec. 611. From the funds appropriated in part 1, funding from the state trunkline fund shall be used to provide for an east-west all-season road through Barry County.

Sec. 612. From the funds appropriated in part 1, the department shall conduct a feasibility study regarding the construction of a northbound ramp at I-675 and Washington avenue in the city of Saginaw. The study shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on transportation and the senate and house fiscal agencies by February 1, 2003.

Sec. 613. From the funds appropriated in part 1, the department shall conduct a feasibility study regarding the construction of a full interchange between exits 212 and 215 on I-75 in Ogemaw County at M-30. The study shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on transportation and the senate and house fiscal agencies by February 1, 2003.

Sec. 614. From the funds appropriated in part 1, the department shall install a traffic light at Vance road and M-37 in Grand Traverse County.

Sec. 615. From the funds appropriated in part 1, the department shall conduct a feasibility study regarding the construction of an interchange on I-96 at Sternberg Road in Muskegon County. The study shall be completed and the finds communicated to the senate and house of representatives appropriations subcommittees on transportation and the senate and house fiscal agencies by February 1, 2003.

Sec. 616. From the funds appropriated in part 1, the department shall conduct a study regarding traffic conditions on M-104 in Ottawa County between I-96 and Spring Lake. The study shall consider highway improvements to increase traffic safety. The study shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on transportation and the senate and house fiscal agencies by February 1, 2003.

Sec. 617. From the funds appropriated in part 1, the department shall conduct a feasibility study regarding the construction of a full interchange at the intersection of M-48 and I-75 in Chippewa County. The study shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on transportation and the senate and house fiscal agencies by February 1, 2003.

COMPREHENSIVE TRANSPORTATION FUND

Sec. 701. Money that is received by the state as a lease payment for state-owned intercity bus equipment is not money to be deposited in the comprehensive transportation fund under section 10b of 1951 PA 51, MCL 247.660b, but is money that is deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Proceeds received by the state from the sale of intercity bus equipment are deposited in an intercity bus equipment fund for appropriation for the purchase and repair of intercity bus equipment. Security deposits from

the lease of state-owned intercity bus equipment not returned to the lessee of the equipment under terms of the lease agreement are deposited in an intercity bus equipment fund for appropriation for the repair of intercity bus equipment.

Sec. 702. Money that is received by the state as repayment for loans made for rail or water freight capital projects, and as a result of the sale of property or equipment used or projected to be used for rail or water freight projects shall be deposited in the fund created by section 17 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.67.

Sec. 703. After receiving notification from a railroad company pursuant to section 8 of the state transportation preservation act of 1976, 1976 PA 295, MCL 474.58, the department shall immediately notify the house of representatives and senate appropriations subcommittees on transportation and the state budget office that the railroad company has filed with the appropriate governmental agencies for abandonment of a line.

Sec. 704. The department shall submit a report to both the house and senate appropriations subcommittees on transportation and the house and senate fiscal agencies by March 1 of each year outlining its efforts to develop a high-speed rail program as well as efforts to obtain funding for this purpose. The report shall include recommendations on self-sustaining revenue sources to increase awareness and include efforts to increase ridership.

Sec. 705. From the funds appropriated in part 1, \$100,000.00 is allocated for a rail infrastructure loan program. The program shall provide noninterest-bearing loans for rail infrastructure improvements. The department shall evaluate loan applications according to the relative merit of the project in conjunction with program goals. The transportation commission shall approve the loans. The loans shall fund not more than 90% of the rail portion of project costs, and the loan repayment period shall not exceed 10 years. Local governments, railroads, and current or potential users of freight railroad services are eligible applicants. At the end of the fiscal year, unexpended funds shall remain in the rail infrastructure loan program and shall be available to be allocated for the purposes of the program in the succeeding fiscal year. Money that is received by this state as repayment for rail infrastructure loans made pursuant to this program shall remain within the rail infrastructure loan program and shall be allocated for the purposes of the program. The state's total contribution to the rail infrastructure loan program shall not exceed \$15,000,000.00.

Sec. 706. The Detroit/Wayne County port authority shall issue a complete operations assessment and a financial disclosure statement. The operations assessment shall include operational goals for the next 5 years and recommendations to improve land acquisition and development efficiency. The report shall be completed and submitted to the house of representatives and senate appropriations subcommittees on transportation, the state budget office, and the house and senate fiscal agencies by February 15, 2003.

Sec. 707. For the fiscal year ending September 30, 2003, each eligible authority and each eligible governmental agency which provides public transportation services in urbanized areas with a Michigan population of less than or equal to 100,000 and nonurbanized areas under section 5311 of title 49 of the United States Code, 49 U.S.C. 5311, shall receive a grant of up to 60% of its eligible operating expenses. Each eligible authority and each eligible government agency which provides public transportation services in urbanized areas with a Michigan population of greater than 100,000 under section 5307 of title 49 of the United States Code, 49 U.S.C. 5307, shall receive a grant of up to 50% of its eligible operating expenses.

Sec. 708. If funds appropriated in part 1 are used to provide state-owned or state-leased buses to private intercity bus carriers, the department shall charge not less than \$1,000.00 per bus per year for their use.

Sec. 709. (1) The following bus routes are designated as an essential corridor in Michigan:

Between St. Ignace and Escanaba	US-2
Between Escanaba and Duluth	US-2 through Ironwood to the state line
Between Calumet and Escanaba	US-41
Between Escanaba and Milwaukee	US-41 through Menominee to the state line
Between St. Ignace and Sault Ste. Marie	I-75
Between Detroit and Chicago	I-94 from Detroit to the state line
Between Detroit and Muskegon	I-96
Between Grand Rapids, Holland, and Benton Harbor	I-196 to I-94
Between Muskegon and Grand Rapids	US-31, I-96
Between Detroit and Bay City	I-75
Between Bay City and Mount Pleasant	US-10, M-20
Between Jackson and Traverse City	US-127, US-27, I-75, Grayling, Gaylord, M-72 to Traverse City
Between Jackson and Indianapolis	I-69, I-94 to the state line through Albion, Marshall, and Coldwater
Between Houghton Lake and Cadillac	M-55 and M-66
Between Detroit and Toledo	I-75 to the state line
Between the Indiana state line and Traverse City	US-31 and I-196
Between Detroit and Port Huron	I-375 and I-94
Between Toledo and Bay City	US-23, I-75, and I-675, I-75

Between Bay City and Chicago

I-75, Flint, I-69, I-94, Battle Creek,
I-94 to the state line

Between Flint and Lansing

I-69, M-21, Owosso, M-52, I-69

Between Bay City and St. Ignace

I-75, US-23

Between Grand Rapids and St. Ignace

US-131, Cadillac, M-115, Mesick,
M-37 to Traverse City, US-31, Acme, M-72,
Kalkaska, US-131, Boyne Falls, M-75,
Walloon Lake, US-131, Petoskey, US-31,
I-75, St. Ignace

Between Kalamazoo and Grand Rapids

US-131

(2) Any changes to the essential corridor list in subsection (1) shall be approved by the house and senate appropriations subcommittees on transportation.

(3) No entity shall receive operating assistance for a scheduled regular route service which is competing with another private or public carrier over the same route.

Sec. 710. Whenever possible, the department shall work with the local transit agencies to avoid establishing new routes that duplicate existing routes served by intercity carriers when providing services under regional transportation service programs. It is preferable that private intercity carriers be provided an opportunity to bid by local public transit agencies on services funded through the regional transportation service program.

Sec. 711. (1) From the funds appropriated in part 1 from the comprehensive transportation fund for rail passenger service, the department shall negotiate with a rail carrier to provide rail service between Grand Rapids and Chicago and between Port Huron and Chicago on a 7-day basis, consistent with the other provisions of this section.

(2) The department shall work with the rail carrier, local communities, and the federal government to increase marketing efforts to promote awareness of rail passenger service, to increase ridership, to reduce operating subsidies in conjunction with the federal phaseout of operating subsidies, to maximize the revenue of the rail passenger lines in Michigan, and to improve on-time performance. The department shall submit a report to both the house and senate appropriations committees and the house and senate fiscal agencies by January 1, 2003, that provides a 5-year history on services, ridership, and subsidies.

(3) Future state support for the service between Grand Rapids and Chicago and Port Huron and Chicago is dependent on the department's ability to provide a plan and a contract for services that increase ridership and revenue, reduce operating costs, and improve on-time performance. The department shall include a section in the report required in subsection (2) detailing efforts to reduce the dependence on state operating subsidies and projected operating expenses for the next 2 years, and recommending service alternatives, for the Grand Rapids to Chicago service and the Port Huron to Chicago service.

(4) Any state subsidy shall only provide for the direct operating costs in Michigan and shall not exceed \$5,700,000.00 for the service between Port Huron and Chicago and Grand Rapids and Chicago.

(5) The rail carrier shall, as a condition to receiving a state operating subsidy, establish a system to monitor, collect, and resolve customer complaints and shall make the information available to the department, the house and senate appropriations subcommittees on transportation, and to the house and senate fiscal agencies.

(6) If the chosen rail carrier is Amtrak, the department shall require Amtrak to provide information to the department to identify direct and indirect operating costs prior to receiving any state funding. Any state subsidy shall only provide for the direct operating costs in Michigan.

Sec. 714. The department, in cooperation with local transit agencies, shall work to ensure that demand-response services are provided throughout Michigan. The department shall continue to work with local units of government to address the unmet transit needs in Michigan.

Sec. 715. (1) On or before January 27, 2003, the department, together with the house and senate fiscal agencies and the department of management and budget, shall estimate the unreserved and unencumbered closing balance of the comprehensive transportation fund (CTF) for the fiscal year ending September 30, 2002. The estimate shall consider lapsed appropriations from the CTF and revised estimates of state restricted transportation revenue.

(2) On or before February 3, 2003, the department shall request a legislative transfer in accordance with section 393 of the management and budget act, 1984 PA 431, MCL 18.1393, to appropriate any estimated unreserved and unencumbered CTF fund balance in excess of \$1,000,000.00. The appropriations included in the transfer request shall be in accordance with the statutory requirements of 1951 PA 51, MCL 247.651 to 247.675, with priority given to local bus operating grants. At the same time the department makes its transfer request, the department shall submit copies of the transfer request to the house of representatives and senate appropriations subcommittees on transportation and the house and senate fiscal agencies.

Sec. 719. The department may provide advances to local road authorities from the rail grade crossing account pursuant to section 11(1)(g) of 1951 PA 51, MCL 247.661, for the construction of grade separations. Money that is received by the state as a repayment of the advance, including interest on the advance, shall be returned to the rail grade crossing account and be available for the local grade crossing program for advances for the construction of grade separations pursuant to section 11(1)(g) of 1951 PA 51, MCL 247.661.

Sec. 721. For federal transit administration bus acquisition capital grants matched with CTF funds appropriated in part 1, transit agencies shall have 4 years from the federal approval date to carry out their projects. Contract line items unobligated 4 years after the federal approval date may be matched with CTF funds only up to 15% in the fifth and subsequent years. "Unobligated" means any line item in the contract that is not committed to a third party or purchase order. A waiver shall be granted by the department for an additional year with documented justification from the transit agency accompanied by a resolution from the board or authority seeking a waiver. If a transit agency does not carry out a line item activity in a specific authorization and the transit agency requests funds in a new authorization for that same activity, the line item shall be matched at up to 15%. This section applies only to bus acquisition capital grants. Lapsed funds under this section shall remain in the CTF.

Sec. 722. From the funds appropriated in part 1 for the work first initiative from the CTF, sufficient funds shall be used as a match for job access reverse commute grants for local transit agencies.

Sec. 723. From funds appropriated in part 1 for rail passenger service, up to \$1,000,000.00 is appropriated to provide a 20% match for federal funds for capital improvements to facilitate a Lansing to Detroit rail passenger service. This is a 1-time appropriation for community outreach, preliminary engineering, environmental clearance, and design plans only, and no funds from this appropriation shall be used for operating assistance on a Lansing to Detroit rail service. This appropriation is not to be construed as a commitment of operating funds by the legislature. It is the intent of the legislature that funds for ongoing operating costs of a Lansing to Detroit rail service be provided by local units of government within the Lansing to Detroit rail service area. Funds not expended for preliminary engineering, environmental clearance, and design plans shall be returned to the fund from which the appropriation was made.

Sec. 724. Funds from the appropriations in part 1 shall not be used for any expansion of an intermodal rail freight facility in southwest Detroit, outside of existing railroad property, prior to the completion of an environmental impact statement.

Sec. 725. Within 90 days of enactment of House Bill No. 5467 of the 91st Legislature, the department shall report to the house and senate appropriations committees on the estimated start-up costs associated with the Detroit area regional transportation authority established by House Bill No. 5467 of the 91st Legislature. From funds appropriated in part 1, the department may expend up to \$1,000,000.00 to support Detroit area regional transportation authority start-up costs. The appropriation in this section does not take effect unless House Bill No. 5467 of the 91st Legislature is enacted into law.

AERONAUTICS FUND

Sec. 801. At the close of the fiscal year ending September 30, 2003, any unobligated and unexpended balance in the state aeronautics fund created in the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208, shall lapse to the state aeronautics fund and be appropriated by the legislature in the immediately succeeding fiscal year.

Sec. 803. (1) From the funds appropriated in section 114, the department shall establish an aeronautics safety officer position to coordinate safety functions between the department, the department of natural resources, and the department of state police. It is the intent of the legislature that the safety officer position is jointly funded by the 3 departments in equal shares.

(2) In addition to the funds appropriated in section 113, the department is authorized to expend funds received from the department of natural resources and the department of state police that are intended to support the aeronautics safety officer position established in subsection (1).

Sec. 805. State aeronautics funds appropriated in part 1 for airport safety and protection plan debt service are transferred to the comprehensive transportation fund and are appropriated for the purpose of reimbursing comprehensive transportation fund debt service obligations for the airport safety and protection plan program. This appropriation does not take effect unless House Bill No. 4454 of the 91st Legislature is enacted into law on or before September 30, 2002.

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

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2003; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Scott Shackleton
Jerry Kooiman
Keith Stallworth
Conferees for the House

George A. McManus, Jr.
Mike Goschka
Joe Young, Jr.
Conferees for the Senate

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Rep. Richardville moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been placed on the members' desks.

The motion prevailed.

The question being on the adoption of the conference report,

The conference report was then adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1003

Yeas—61

Allen	George	Kowall	Scranton
Birkholz	Gilbert	Kuipers	Shackleton
Bisbee	Godchaux	LaSata	Sheltrown
Bishop	Gosselin	Lemmons	Shulman
Bradstreet	Hager	Mead	Stallworth
Brown, C.	Hart	Meyer	Stamas
Cassis	Howell	Middaugh	Stewart
Caul	Hummel	Mortimer	Tabor
Clark, I.	Jansen	Newell	Toy
Clarke, H.	Jelinek	Palmer	Van Woerkom
DeRossett	Johnson, Rick	Pappageorge	Vander Roest
DeVuyst	Johnson, Ruth	Pumford	Vander Veen
Drolet	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak
Garza			

Nays—46

Anderson	Gielegheem	Murphy	Schauer
Basham	Hale	Neumann	Schermesser
Bernero	Hansen	O'Neil	Spade
Bogardus	Hardman	Patterson	Switalski
Bovin	Jacobs	Pestka	Thomas
Brown, B.	Jamnick	Phillips	Waters
Brown, R.	Kolb	Plakas	Whitmer
Callahan	Lipsey	Rackowski	Williams
Daniels	Lockwood	Reeves	Wojno
Dennis	Mans	Rison	Woodward
DeWeese	McConico	Rivet	Zelenko
Frank	Minore		

In The Chair: Julian

Rep. Richardville moved that the bill be given immediate effect.

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

Reps. Reeves, Williams, Waters, Lipsey, Kolb, Minore, Spade, Murphy, Jamnick, Anderson and Plakas, having reserved the right to explain their nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted no on the conference report for HB 5651 because it breaks the promise made when the gas tax was increased in 1997 to maximize the use of motor fuel and vehicle registration tax revenues for transportation purposes. This

budget increases interdepartment grants from the Michigan Transportation Fund to the Secretary of State and the Department of Treasury by approximately \$50 million compared to the originally-passed FY 2002 budget and approximately \$30 million compared to the House-passed FY 2003 budget, which represents a diversion of road funds to run general government operations. Public Act 51 specifically phased out all interdepartment grants from the MTF to the Department of Treasury, which is ignored by the conference report. This diversion of road funds seriously hampers our ability to improve the condition of both State and local roads which are badly in need of repair.”

Rep. Zelenko, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the conference report for HB 5651 because it breaks the promise made when the gas tax was increased in 1997 to maximize the use of motor fuel and vehicle registration tax revenues for transportation purposes. This budget increases interdepartment grants from the Michigan Transportation Fund to the Secretary of State and the Department of Treasury by approximately \$50 million compared to the originally-passed FY 2002 budget and approximately \$30 million compared to the House-passed FY 2003 budget, which represents a diversion of road funds to run general government operations. Public Act 51 specifically phased out all interdepartment grants from the MTF to the Department of Treasury, which is ignored by the conference report. This diversion of road funds seriously hampers our ability to improve the condition of both State and local roads which are badly in need of repair. In addition this impacts Genesee County to the tune of approx. \$700,000.00.”

Messages from the Senate

House Bill No. 6002, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 5b.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” (MCL 205.51 to 205.78) by adding section 5b; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Richardville moved that Rule 45 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1004

Yeas—83

Allen	Gosselin	Lockwood	Rocca
Birkholz	Hager	Mans	Schauer
Bisbee	Hansen	McConico	Schermesser
Bishop	Hardman	Mead	Scranton
Bradstreet	Hart	Meyer	Shackleton
Brown, C.	Howell	Middaugh	Shulman
Brown, R.	Hummel	Minore	Spade
Cassis	Jacobs	Mortimer	Stallworth
Clark, I.	Jamnack	Neumann	Stewart
Clarke, H.	Jansen	Newell	Tabor
Daniels	Jelinek	O’Neil	Thomas
DeRossett	Johnson, Rick	Palmer	Van Woerkom
DeVuyst	Johnson, Ruth	Pappageorge	Vander Roest

DeWeese	Julian	Patterson	Vander Veen
Drolet	Koetje	Pestka	Vear
Ehardt	Kolb	Pumford	Voorhees
Faunce	Kooiman	Quarles	Waters
Garza	Kowall	Rackowski	Woodward
George	Kuipers	Reeves	Woronchak
Gilbert	LaSata	Richardville	Zelenko
Godchaux	Lemmons	Richner	

Nays—24

Anderson	Callahan	Lipsey	Stamas
Basham	Caul	Murphy	Switalski
Bernero	Dennis	Phillips	Toy
Bogardus	Frank	Plakas	Whitmer
Bovin	Gielegghem	Rivet	Williams
Brown, B.	Hale	Sheltrown	Wojno

In The Chair: Julian

The House agreed to the title as amended.

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

Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Rep. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, July 2, at 12:00 Noon.
The motion prevailed.

House Bill No. 4414, entitled

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

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

The House agreed to the full title.

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

House Bill No. 4990, entitled

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

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4080, entitled

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

The Senate has amended the bill as follows:

1. Amend page 1, line 2, after "a" by striking out "communications" and inserting "TELECOMMUNICATIONS SERVICE".

2. Amend page 1, line 8, after "a" by striking out "telephone".

3. Amend page 1, line 8, after "MESSAGE" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".

4. Amend page 1, line 9, after "by" by striking out the balance of the line through "telegraph" on line 10.

5. Amend page 1, line 10, after "message" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".

6. Amend page 2, line 4, after the first "a" by striking out the balance of the line through "phone" on line 5 and inserting "TELECOMMUNICATIONS DEVICE AND ANOTHER TELECOMMUNICATIONS DEVICE OR BETWEEN A TELECOMMUNICATIONS DEVICE".

7. Amend page 2, line 6, after "sages" by striking out "by telephone" and inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".

8. Amend page 2, line 10, by striking out "telephone".

9. Amend page 2, line 10, after "MESSAGE" by inserting "THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".

10. Amend page 2, line 20, after "Deliberately" by striking out "calling a telephone" and inserting "ENGAGING OR CAUSING TO ENGAGE THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE".

11. Amend page 2, line 21, after "in" by striking out "telephone" and inserting "TELECOMMUNICATIONS".

12. Amend page 2, line 22, after "her" by striking out the balance of the line through "service" on line 23 and inserting "TELECOMMUNICATIONS SERVICE OR DEVICE".

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

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

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 4719, entitled

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

The Senate has amended the bill as follows:

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

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

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 4991, entitled

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

The Senate has amended the bill as follows:

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

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217.

The Senate has nonconcurrent in the House substitute (H-3) to the Senate substitute (S-2) as substituted (S-6) and appointed Senators Bennett, Stille, and Peters as conferees.

The message was referred to the Clerk for record.

House Bill No. 5637, entitled

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

The Senate has amended the bill as follows:

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

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 5896, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 12a (MCL 125.2162a), as added by 2000 PA 248.

The Senate has amended the bill as follows:

1. Amend page 7, following line 19, by inserting:

"(12) THIS STATE SHALL REIMBURSE INTERMEDIATE SCHOOL DISTRICTS EACH YEAR FOR ALL TAX REVENUE LOST THAT WAS CAPTURED BY AN AUTHORITY FOR A CERTIFIED TECHNOLOGY PARK DESIGNATED BY THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION UNDER SUBSECTION (8) OR (9) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

(13) THIS STATE SHALL REIMBURSE LOCAL SCHOOL DISTRICTS EACH YEAR FOR ALL TAX REVENUE LOST THAT WAS CAPTURED BY AN AUTHORITY FOR A CERTIFIED TECHNOLOGY PARK DESIGNATED BY THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION UNDER SUBSECTION (8) OR (9) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

(14) THIS STATE SHALL REIMBURSE THE SCHOOL AID FUND FROM FUNDS OTHER THAN THOSE APPROPRIATED IN SECTION 11 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, MCL 388.1611, FOR AN AMOUNT EQUAL TO THE REIMBURSEMENT CALCULATIONS UNDER SUBSECTIONS (12) AND (13) AND FOR ALL REVENUE LOST THAT WAS CAPTURED BY AN AUTHORITY FOR A CERTIFIED TECHNOLOGY PARK DESIGNATED BY THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION UNDER SUBSECTION (8) OR (9) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. FOUNDATION ALLOWANCES CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, MCL 388.1620, SHALL NOT BE REDUCED AS A RESULT OF TAX REVENUE LOST THAT WAS CAPTURED BY AN AUTHORITY FOR A CERTIFIED TECHNOLOGY PARK DESIGNATED BY THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION UNDER SUBSECTION (8) OR (9) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION."

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

House Bill No. 6066, entitled

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

The Senate has amended the bill as follows:

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

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

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

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

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 1232, entitled

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 667a, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.667a, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297,

sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307, 312f, 319b, and 732 as amended by 2002 PA 259, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 319 as amended by 2001 PA 159, section 319c as added by 1988 PA 346, section 667a as added by 2000 PA 367, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248, section 904 as amended by 32 2 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.

The Senate has substituted (S-3) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-3) and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 6, 7a, 212, 306, 307, 309, 312e, 312f, 319, 319b, 319c, 321, 321b, 323c, 667, 667a, 668, 669, 670, 732, 904, and 907 (MCL 257.6, 257.7a, 257.212, 257.306, 257.307, 257.309, 257.312e, 257.312f, 257.319, 257.319b, 257.319c, 257.321, 257.321b, 257.323c, 257.667, 257.667a, 257.668, 257.669, 257.670, 257.732, 257.904, and 257.907), section 6 as amended by 1992 PA 297, sections 7a and 323c as amended by 1991 PA 100, section 212 as amended by 1980 PA 398, section 306 as amended by 1999 PA 40, sections 307, 312f, and 319b as amended by 2002 PA 259, section 309 as amended by 2000 PA 456, section 312e as amended by 2000 PA 158, section 319 as amended by 2002 PA 422, section 319c as added by 1988 PA 346, section 667a as added by 2000 PA 367, section 668 as amended by 1980 PA 101, section 669 as amended by 1995 PA 248, section 732 as amended by 2002 PA 422, section 904 as amended by 2000 PA 77, and section 907 as amended by 2001 PA 214, and by adding sections 319g and 669a; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Drolet, Ehardt, Julian, Kuipers, Jelinek, Howell, Richardville, Cassis, Kowall, Toy, Voorhees, Koetje, Minore, Sheltrown, DeRossett, Vander Roest, Raczkowski, Bishop, Jacobs, Vander Veen, Bradstreet, Gosselin, Meyer, Van Woerkom, Faunce, Switalski, Neumann, Hager, Kooiman, Jansen, Spade, Shackleton, Caul, Gielegghem, Bovin, Hansen, Woodward, Newell, Rich Brown, Murphy, Richner, Bogardus, Lemmons, Rocca, Pappageorge, Wojno, Hale, Jamnick, Basham, Vear and Hardman offered the following resolution:

House Resolution No. 506.

A resolution honoring Norman Thomas “Turkey” Stearnes’ achievements in the sport of baseball and his induction into the National Baseball Hall of Fame.

Whereas, It is a pleasure to honor Turkey Stearnes’ record of excellence in baseball’s Negro Leagues from 1923 to 1941. We are grateful for this opportunity to join with the family and many friends of Mr. Stearnes as we honor an individual who had significant accomplishments in baseball; and

Whereas, Norman Thomas Stearnes was born on May 8, 1901, in Nashville, Tennessee. He was given the nickname “Turkey” because of “his swift running style, with his arms flapping like the wings of a bird.” Turkey played baseball during a time when black players were not permitted to play in the major leagues. This humble and quiet man showed no bitterness for not being allowed to play in the major leagues. He played for eight Negro baseball teams, including the Detroit Stars and the Detroit Black Sox; and

Whereas, Although Turkey was a center fielder, he was mostly known for his fierce hitting and unusual left-handed batting style. He had an incredible record at the plate where he attained a career batting average of over .350, with .400 in three separate seasons and a slugging percentage of .664. Turkey hit a total of 172 homeruns and led the leagues in homeruns in six seasons. He also led the leagues in triples in four seasons and played in the East-West All-Star game four times; and

Whereas, Turkey Stearnes was inducted into the National Baseball Hall of Fame on July 23, 2000, 46 years after he retired; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Norman Thomas "Turkey" Stearnes' achievements in the sport of baseball and his induction into the National Baseball Hall of Fame. We are proud to honor him; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Stearnes' family as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Williams, Callahan, Lockwood, Murphy, Zelenko, Spade, Waters, Daniels, Hardman, Dennis, Wojno, Rich Brown, McConico, Phillips, Sheltroun, Bob Brown, Plakas, Frank and Stallworth offered the following resolution:

House Resolution No. 507.

A resolution encouraging schools to continue to allow pupils to recite the Pledge of Allegiance.

Whereas, On June 26, 2002, the United States Ninth Circuit Court of Appeals ruled that the Pledge of Allegiance is unconstitutional because the phrase "under God" violates the separation of church and state. This 2-1 ruling is technically binding only in the Ninth Circuit's jurisdiction which includes the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington; and

Whereas, This ruling flies in the face of common sense, and more importantly, goes against every precept on which our nation was founded. Indeed, the Pledge of Allegiance is a fundamental affirmation of the strength of principle and the hopes and dreams of the American people. References to "under God" only supplement the force of this solemn declaration; and

Whereas, School children in Michigan and throughout our land have been reciting the Pledge of Allegiance for over a century. Each and every day millions of Americans profess their faith in America through the recitation of these important words. Clearly, since the tragic events of September 11, the spirit and vitality of the American people have proven themselves many times over. Reciting the Pledge of Allegiance is an integral part of being an American. Michigan, which technically is not subject to this ill-conceived ruling, is encouraged to continue to have its pupils recite the Pledge of Allegiance in schools; now, therefore, be it

Resolved by the House of Representatives, That Michigan schools continue to have their pupils recite the Pledge of Allegiance; and be it further

Resolved, that a copy of this document be transmitted to the Superintendent of the Michigan Department of Education.

The resolution was referred to the Committee on House Oversight and Operations.

Reps. Shulman, Ehardt, Julian, Jelinek, Howell, Richardville, Cassis, Pestka, Kowall, Toy, Voorhees, Koetje, Minore, Sheltroun, DeRossett, Vander Roest, Raczkowski, Mead, Bishop, Jacobs, Zelenko, Vander Veen, Bradstreet, Gosselin, Meyer, Faunce, Switalski, Neumann, Hager, Jansen, Spade, Shackleton, Gielegghem, Bovin, Hansen, Woodward, Newell, Rich Brown, Murphy, Richner, Lemmons, Rocca, Pappageorge, Wojno, Jamnick, Thomas, Birkholz and Vear offered the following resolution:

House Resolution No. 508.

A resolution honoring the life and memory of Major General William J. Weinstein, Esquire.

Whereas, Mr. Weinstein truly lived a remarkable life, serving his country with pride and valor and representing clients at his law practice with unequalled tenacity and competency. Mr. Weinstein graduated from Wayne State University's law school and became an attorney in 1940. He was a member of the American Academy of Trial Lawyers by invitation. As all who worked with him know, Mr. Weinstein was held in the highest esteem by his colleagues, well-respected by clients, attorneys, and judges alike; and

Whereas, His service in World War II was extraordinary. Stationed in the Pacific, he was with the Iwo Jima and Tinian companies as a colonel. In 1971, he became a general. For his bravery and leadership, he received two Purple Hearts and a Bronze Star. The former mayor of Detroit, Mayor Roman Gribbs, proclaimed August 12, 1971, as William J. Weinstein Day in the city of Detroit. Additionally, Mr. Weinstein was awarded the Eleanor Roosevelt Humanitarian Award by Israel Bonds. He was also a member of the Prime Minister's Club; and

Whereas, Major General William J. Weinstein, Esquire, passed away on June 22, 2002. He is survived by his loving wife, Rose, his beautiful children, Patty and Michael, and his precious granddaughter Emily. He will be remembered and revered by many who had the good fortune to know him. Our country and our state will sorely miss him; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life and memory of Major General William J. Weinstein, Esquire; and be it further

Resolved, That a copy of this resolution be transmitted to William J. Weinstein's family as a token of our esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richner, Ehardt, Julian, Kuipers, Jelinek, Howell, Richardville, Bisbee, Stamas, Cassis, Middaugh, Kowall, Toy, Voorhees, Koetje, Minore, Sheltroun, DeRossett, Vander Roest, Raczkowski, Mead, Bishop, Jacobs, Zelenko, Vander Veen, Bradstreet, Gosselin, Tabor, Meyer, Van Woerkom, Faunce, Switalski, Neumann, Hager, Kooiman, Callahan, Jansen, Spade, Shackleton, Caul, Kolb, Gielegghem, Bovin, Schauer, Hansen, Woodward, Newell, Rich Brown, Murphy, Bogardus, LaSata, Scranton, Lemmons, Rocca, Pappageorge, Godchaux, Wojno, Hale, Jamnick, Thomas, Birkholz, Vear, Hardman and Waters offered the following resolution:

House Resolution No. 509.

A resolution congratulating the members and coaches of the Detroit Red Wings upon the occasion of their winning the Stanley Cup.

Whereas, It is a pleasure to join with the entire Detroit Red Wings team, management, staff, and all of the state of Michigan in celebrating the achievements of their wonderful success in the 2001-2002 season. They won their third Stanley Cup in six years and the tenth Stanley Cup in this outstanding franchise's history. This group of disciplined athletes has generated great pride throughout our state; and

Whereas, Much to the delight of their loyal fans, the Detroit Red Wings have earned the respect of followers throughout Michigan with their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this group of athletes maintained their focus on making their dreams come true and accepting nothing less than their very best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. The Detroit Red Wings dominated the Stanley Cup Finals with an impressive 4-1 series win over the Carolina Hurricanes. Additionally, this team was awarded the President's Cup for the best record in the National Hockey League. We admire the efforts, team spirit, and preparation of these talented athletes; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the Detroit Red Wings upon the occasion of their winning the Stanley Cup; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit Red Wings as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richner, Ehardt, Julian, Kuipers, Jelinek, Howell, Richardville, Bisbee, Cassis, Kowall, Toy, Voorhees, Koetje, Sheltroun, DeRossett, Raczkowski, Mead, Zelenko, Vander Veen, Gosselin, Meyer, Van Woerkom, Faunce, Switalski, Neumann, Hager, Spade, Bovin, Newell, Scranton, Lemmons, Birkholz and Vear offered the following resolution:

House Resolution No. 510.

A resolution to memorialize the President and Congress of the United States to put in place mechanisms to provide a limited and temporary federal backstop for insurance against terrorism.

Whereas, The September 11, 2001, terrorist attacks have had a substantial impact on the American economy; and

Whereas, Insurers estimate that their losses from the attacks could reach \$70 billion; and

Whereas, There were a variety of insurance coverages on the World Trade Center, and the businesses in and around the World Trade Center. As a result, this affects insurers of all kinds, including property-casualty, business interruption, life, health, and reinsurance; and

Whereas, Insurers across the country have expressed their commitment to meet policyholder obligations resulting from these events; and

Whereas, Insurers are concerned that they cannot adequately or accurately price insurance coverage for future catastrophes resulting from terrorism; and

Whereas, The private insurance industry faced a crisis as most reinsurance policies were renewed. Some reinsurers have notified their customers that they would no longer cover terrorism risk, and some primary carriers have obtained an exclusion from terrorism coverage. Forty-seven states, including Michigan, already allow this to happen; and

Whereas, Without adequate insurance coverage, banks may be unwilling to extend loans for commercial transactions, such as mortgages, construction projects, and other capital-intensive programs; and

Whereas, The inability of the insurance industry to cover losses from future terrorist activities may require action by the federal government; and

Whereas, A federal backstop would assure an available and affordable insurance market for America's consumers and businesses in these challenging times; and

Whereas, A federal backstop program would help to eliminate market constriction and prohibitively high prices, would facilitate insurance transactions necessary for commerce, and would assure the broad-based ability of families and businesses to recover from future incidences of terrorism; and

Whereas, Without a backstop, a limited availability of insurance against terrorism would have a severe adverse effect on our country's economy as financiers would be reluctant to lend, businesses would be reluctant to invest, and consumers would be unable to afford insurance; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and Congress of the United States to put in place mechanisms to provide a limited and temporary federal backstop for insurance against terrorism; and be it further

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

The resolution was referred to the Committee on Insurance and Financial Services.

Reps. Jelinek, Ehardt, Howell, Richardville, Cassis, Middaugh, Kowall, Toy, Voorhees, Koetje, Minore, Sheltroun, DeRossett, Vander Roest, Raczkowski, Mead, Jacobs, Zelenko, Vander Veen, Meyer, Van Woerkom, Faunce, Switalski, Neumann, Hager, Kooiman, Spade, Gielegghem, Bovin, Schauer, Woodward, Dennis, Newell, Rich Brown, Richner, Bogardus, LaSata, Daniels, Scranton, Lemmons, Jamnick, Basham, Birkholz and Vear offered the following resolution:

House Resolution No. 511.

A resolution urging the Michigan Department of History, Arts and Libraries to support the work of Western Michigan University in preserving the remains of Fort St. Joseph.

Whereas, In June 2002, Western Michigan University announced that archeologists of its School of Archeology have found structural remains of Fort St. Joseph in Niles, Michigan, along the St. Joseph River. Lost for more than a century until it was relocated in 1998 by the university, this fort is believed to be the only colonial fort built in western Michigan; and

Whereas, Built in the late 17th century by the French to stake out their claims to the area, the fort served four nations in its ninety years of use until 1781, when our young nation still struggled for independence. This heritage earned Fort St. Joseph the title Four Flags Fort; and

Whereas, University archeologists succeeded in confirming the location of the fort despite the century that had passed since the site was known. Development over the ensuing decades, including construction of a dam and a landfill, made the task of pinpointing the site a challenge of history, technology, and perseverance. Using ground-penetrating radar, the dedicated archeologists were able to locate the fort, prepare the water-logged site for excavation, and conduct a substantial dig to gain physical artifacts from the fort; and

Whereas, The resources of the state should be marshaled to explore and protect this unique state historic site. Although we are a young nation and an even younger state, the story of this fort reaches back to 1691 when Europeans first walked through our wilderness, meeting and trading with the Native Americans who lived here. Michigan's new Department of History, Arts and Libraries should waste no time in working with Western Michigan University to support their great discovery. Teaming together, Western Michigan University and the Department of History, Arts and Libraries will be able to preserve an important part of our early history; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of History, Arts and Libraries to support the work of Western Michigan University in preserving the remains of Fort St. Joseph; and be it further

Resolved, That copies of this resolution be transmitted to the Director of the Michigan Department of History, Arts and Libraries and to Western Michigan University Associate Professor of Archeology Michael Nassaney.

Pending the reference of the resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Minore, Ehardt, Julian, Jelinek, Kowall, Voorhees, Sheltroun, DeRossett, Vander Roest, Raczkowski, Jacobs, Zelenko, Vander Veen, Switalski, Neumann, Hager, Spade, Shackleton, Kolb, Gielegghem, Bovin, Schauer, Hansen, Woodward, Dennis, Newell, Rich Brown, Murphy, Richner, Bogardus, Daniels, Lemmons, Pappageorge, Wojno, Hale, Jamnick, Thomas, Clark, Basham, Birkholz, Vear and Waters offered the following resolution:

House Resolution No. 512.

A resolution honoring Z. Kay Fitzpatrick upon her retirement.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Z. Kay Fitzpatrick has put forth on behalf of the Detroit Metropolitan Bar Association that we offer this expression of our thanks and best wishes on her retirement. As her colleagues, friends, and family gather to recognize the loyalty and devotion of this conscientious individual, we add our sentiments of gratitude for a job well done; and

Whereas, In her years of service to the Detroit Metropolitan Bar Association, Macomb County Bar Association, and the State Bar of Michigan, Z. Kay Fitzpatrick has been working to ensure that people get good legal representation. Z. Kay Fitzpatrick can be proud of her many accomplishments and her record of service to the bar association and to the community; and

Whereas, Under Ms. Fitzpatrick's direction, the Detroit Metropolitan Bar Association and its members provided a variety of public service activities. Through its pro bono services, volunteer legal services, and Detroit Legal Services Clinic, the Detroit Metropolitan Bar Association helps get legal representation to those whom can least afford it. The people of Detroit, Wayne County, and the entire state of Michigan have benefited as a result of these efforts; and

Whereas, There can be little doubt that the record of Z. Kay Fitzpatrick in her responsibilities as Executive Director of the Detroit Metropolitan Bar Association and her previous work with the Macomb County Bar Association and State Bar Association will continue to reap rewards for the people of this community and the entire state. We offer our thanks on this personal milestone; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Z. Kay Fitzpatrick upon her retirement. May she enjoy the happiest of retirements; and be it further

Resolved, That a copy of this resolution be transmitted to Z. Kay Fitzpatrick as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Koetje, Ehardt, Julian, Kuipers, Jelinek, Howell, Richardville, Bisbee, Gilbert, Stamas, Cassis, Middaugh, Pestka, Kowall, Toy, Voorhees, Sheltroun, DeRossett, Vander Roest, Raczkowski, Mead, Bishop, Vander Veen, Bradstreet, Gosselin, Meyer, Van Woerkom, Faunce, Switalski, Neumann, Palmer, Hager, Kooiman, Callahan, Mans, Spade, Shackleton, Bovin, Jansen, Schauer, Newell, Rich Brown, Richner, Daniels, Lemmons, Rocca, Pappageorge, Wojno, Jamnick, Basham, Birkholz, Vear and Hardman offered the following resolution:

House Resolution No. 513.

A resolution condemning the decision of the Ninth United States Circuit Court of Appeals that ruled that the Pledge of Allegiance is unconstitutional.

Whereas, The members of the Michigan House of Representatives are stunned by the decision of the Ninth United States Circuit Court of Appeals that the Pledge of Allegiance to the American flag is unconstitutional. In their decision, the court claimed that the expression "under God" in the pledge amounts to a government endorsement of religion in violation of the Establishment Clause of the United States Constitution; and

Whereas, It is inconceivable that this court could conclude that reciting "under God" in the pledge, which Americans have done since 1954, amounts to "an establishment" of religion, which the Constitution clearly prohibits. It should be obvious that no state religion has been established in the 48 years since "under God" was added to the Pledge of Allegiance. Nobody's freedom to believe in any particular religion, or to have no belief at all, has been suppressed, nor shall such freedom ever be denied; and

Whereas, We join with others in expressing our outrage at this decision and proclaim that it is intolerable that such a ruling should be the law of the land. When American men and women carry our flag across the globe to defeat our enemies, we must not accept this. When firefighters and workers at the World Trade Center draw inspiration from the flag, we must state our revulsion to the court's decision that our pledge of love and loyalty to that which our flag symbolizes is unconstitutional. When schoolchildren are to be denied the pride of proclaiming their citizenship with our Pledge of Allegiance, the court has gone too far. The Ninth Circuit or the United States Supreme Court must reverse this judicial outrage; now, therefore, be it

Resolved by the House of Representatives, That we condemn the decision of the Ninth United States Circuit Court of Appeals that ruled that the Pledge of Allegiance is unconstitutional; and be it further

Resolved, That copies of this resolution be transmitted to the judges of the Ninth United States Circuit Court of Appeals, the justices of the United States Supreme Court, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional delegation.

The resolution was referred to the Committee on House Oversight and Operations.

Rep. Hardman offered the following resolution:

House Resolution No. 514.

A resolution honoring Mr. and Mrs. Walter J. Buford on their 50th wedding anniversary.

Whereas, It is a distinct honor to join with the family and friends of Rena and Walter Buford at the Hill of Calvary Missionary Baptist Church in Detroit, Michigan, as they celebrate their 50th wedding anniversary. As they gather to mark this milestone in their lives, it is most appropriate to commend them for the manner in which their strong relationship has enhanced our state and the experiences of all fortunate enough to know these two fine people; and

Whereas, On June 28, 2002, at 5:30 p.m., the Bufords will recall the vows they spoke so long ago. Throughout their many years of marriage, they have been renewing their vows every day, not by words, but by the commitment they make in their deeds in coping with the challenges of life and the joys of this world. As the Bufords would quickly affirm, no marriage can reach the milestone of 50 years without this commitment and renewal; and

Whereas, Since they pledged their trust, respect, and affection in marriage, Rena and Walter Buford have also witnessed changes in their own lives. Certainly, the central point of their attention is their family, to whom they have given countless gifts. Among the most precious of these gifts is the example of a wonderful marriage. They have four children, Brain, Karen, Steven, and Susan, nine grandchildren, and six great grandchildren. As they mark this day, may they also know that their example has enriched our entire community; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Mr. and Mrs. Walter J. Buford on their 50th wedding anniversary. May they continue to grow closer to one another with each passing day; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. and Mrs. Walter J. Buford as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Patterson moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richner, Vear, Julian and Jansen offered the following resolution:

House Resolution No. 515.

A resolution condemning the Ninth United States Circuit Court of Appeals' decision that the Pledge of Allegiance is unconstitutional.

Whereas, The members of the Michigan House of Representatives are outraged by the decision of a panel of the Ninth United States Circuit Court of Appeals that the Pledge of Allegiance to the American flag is unconstitutional. The panel's decision rests on the dubious claim that the words "under God" in the pledge amount to a violation of the Establishment Clause of the United States Constitution; and

Whereas, It is difficult to imagine how the judges of the Ninth Circuit can justify a ruling that has stunned virtually the entire nation. We fail to see how the simple yet heartfelt recitation of the words "under God" has resulted in the establishment of any state religion. The decision rests on a view of the nation that does not exist and will never exist. The freedom to worship as we choose is based on a solid foundation, as is the freedom to worship no God at all; and

Whereas, The Ninth United States Circuit Court of Appeals has the authority to reverse the decision of the three-judge panel that issued this ruling and should do so immediately. Should the full Ninth Circuit fail to reverse this opinion, the United States Supreme Court should overturn the decision when it reaches the court. This time-tested and cherished pledge to our flag must be preserved; now, therefore, be it

Resolved by the House of Representatives, That we condemn the Ninth United States Circuit Court of Appeals' decision that the Pledge of Allegiance is unconstitutional; and be it further

Resolved, That copies of this resolution be transmitted to the judges of the Ninth United States Circuit Court of Appeals, the justices of the United States Supreme Court, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on House Oversight and Operations.

Messages from the Senate

House Bill No. 5642, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(For text of second conference report, see House Journal No. 57, p. 2157.)

The Senate has adopted the report of the second Committee of Conference.

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

House Bill No. 5643, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to repeal acts and parts of acts.

(For text of conference report, see House Journal No. 55, p. 1972.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

House Bill No. 5648, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(For text of conference report, see House Journal No. 56, p. 2031.)

The Senate has adopted the report of the Committee of Conference.

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

House Bill No. 5649, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(For text of conference report, see House Journal No. 56, p. 2038.)

The Senate has adopted the report of the Committee of Conference.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Redistricting and Elections from further consideration of **House Bill No. 5157** and **House Bill No. 5522**.

Rep. Patterson

Rep. Rison moved that the House adjourn.

The motion prevailed, the time being 4:45 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Tuesday, July 2, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.

