

No. 60
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, September 17, 2002.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emerson—present
Emmons—present
Garcia—present
Gast—present
Goschka—present

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

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

Senator Christopher D. Dingell of the 7th District offered the following invocation:

Direct, we beg You, O Lord, our actions by Your holy inspirations, and grant that we may carry them out with Your gracious assistance, that every prayer and work of ours may begin always with You, and through You be happily ended. Amen.

Senators Smith and Stille entered the Senate Chamber.

Motions and Communications

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

Senator Emerson moved that Senator Vaughn be excused from this week's sessions.
The motion prevailed.

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

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

Senate Bill No. 1316

The motion prevailed.

The following communications were received:
Department of Consumer and Industry Services

August 7, 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>License #</u>
Approval Study Report	W.J. Maxey Boys Training School Woodland Center	CS470245817
Licensing Study Report	Muskegon Co. Child Haven	CS610201319

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

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

August 23, 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>
Renewal Approval Report	Academy Hall Residential Care Center		CS390200920
Special Investigation Report	Adrian Training School	2002C0207038	CS460200931

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

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

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

The communications were referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

August 15, 2002

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit of the Michigan Liquor Control Commission, Department of Consumer and Industry Services,
October 1, 1999 through September 30, 2001.

August 20, 2002

Enclosed is a copy of the financial statements, together with the Auditor's Report, for the Bureau of State Lottery
for the six-month period ending March 31, 2002.

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

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

The communications were referred to the Secretary for record

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

August 20, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order
1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:23 a.m. this date,
administrative rule (02-08-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Real
Estate Licensing/Distance Education Standards*," effective September 1, 2002.

Sincerely,
Candice S. Miller
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for the record.

The following communication was received:
Emergency Telephone Service Committee

August 30, 2002

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

Since passage of P.A. 78, 79, 80, and 81 in June of 1999, the members of the ETSC have been working hard to
implement wireless enhanced 9-1-1 service in Michigan. Much has been accomplished since the last report. More than
\$25 million in wireless funds has been distributed to counties and 65 counties are now receiving Phase I wireless
service from one or more wireless suppliers. Three counties have requested Phase II service. Over \$1.1 million has
been approved for reimbursement to CMRS suppliers for their cost recovery. Nearly \$1.2 million has been paid out to
163 PSAPs for dispatcher training.

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

Sincerely,
Paul Rogers
Chair

The communication was referred to the Secretary for the record.

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, August 15, for his
approval the following bill:

Enrolled Senate Bill No. 395 at 3:40 p.m.

The Secretary announced the printing and placement in the members' files on Wednesday, August 14, of:

Senate Bill Nos. 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396 1397 1398 1399
1400

House Bill Nos. 6245 6246 6247 6248 6249 6250 6251 6252 6253 6254 6255 6256 6257 6258
6259 6260 6261 6263 6264 6265

Senator Dunaskiss entered the Senate Chamber.

By unanimous consent the Senate proceeded to the order of

Messages from the House

House Bill No. 5467, entitled

A bill to create the Detroit area regional transportation authority; to transfer certain powers of authorities to the Detroit area regional transportation authority; to provide regional transportation for senior citizens, citizens with disabilities, citizens without the economic means to provide their own personal transportation, and all other citizens; to continue the suburban mobility authority for regional transportation; to prescribe certain powers and duties of the authorities; to provide for the addition and withdrawal of certain local entities from the authority; to provide for the powers and duties of certain state agencies with respect to the authority; to provide for the issuance of bonds and notes; to provide for the state to guarantee payment of certain claims against the authority and give the state a lien in satisfaction of payment; to protect the rights of employees of existing public transportation systems; to provide for the pledge of taxes, revenues, assessments, tax levies, and other funds for bond and note payments; to authorize certain local entities to levy property taxes and make special assessments to fulfill their obligations under certain contracts with the authority; and to repeal acts and parts of acts.

The House of Representatives has nonconcurred in the Senate substitute (S-5) and appointed Reps. Allen, Godchaux and Thomas as conferees.

The message was referred to the Secretary 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 House of Representatives has appointed Reps. Shackleton, Kooiman and Stallworth as second conferees to join with Senators Hoffman, Goschka and Young.

The message was referred to the Secretary for record.

Senators Bullard and Murphy entered the Senate Chamber.

Conference Reports

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

The second Conference Report was read as follows:

SECOND 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
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

	For Fiscal Year Ending Sept. 30, 2003
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
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

	For Fiscal Year Ending Sept. 30, 2003
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
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
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
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

For Fiscal Year
Ending Sept. 30,
2003

Sec. 110. HIGHWAY MAINTENANCE

Full-time equated classified positions	699.6	
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 positions	33.0	
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

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

For Fiscal Year
Ending Sept. 30,
2003

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	
-------------------------------	------------	--

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	
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

For Fiscal Year
Ending Sept. 30,
2003

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.

Sec. 618. The department shall select alternative II, as identified in the draft environmental impact statement for the US-127 west interchange portion of the I-94 freeway modernization project in Jackson County.

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.

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.

Sec. 901. In addition to the amounts appropriated in part 1, \$7,421,000.00 from the state liquor purchase revolving fund is appropriated to the Michigan department of transportation for transfer to the department of consumer and industry services for fire protection grants to local units of government to be distributed in accordance with 1977 PA 289, MCL 141.951 to 141.956.

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

Philip E. Hoffman
Mike Goschka
Conferees for the Senate

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the conference report,

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

Roll Call No. 852

Yeas—37

Bennett
Bullard

Garcia
Gast

Leland
McCotter

Schwarz
Scott

Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Miller	Sikkema
DeBeaussaert	Hammerstrom	Murphy	Smith
DeGrow	Hart	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuetten	Young
Emmons			

Nays—0

Excused—1

Vaughn

Not Voting—0

In The Chair: Schwarz

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

By unanimous consent the Senate proceeded to the order of

Resolutions

Senators Sanborn, Bennett, Sikkema, Dunaskiss, Goschka, Hammerstrom, Shugars and Garcia offered the following resolution:

Senate Resolution No. 256.

A resolution to memorialize the Congress of the United States to enact legislation to ban partial-birth abortions.

Whereas, The practice commonly referred to as partial-birth abortion is a particularly gruesome procedure that should be outlawed across the country. The United States House of Representatives has voted by a significant majority to enact H.R. 4965, the Partial-Birth Abortion Ban Act of 2002; and

Whereas, In H.R. 4965, Congress has found and declared that partial-birth abortion “poses serious risks to the health of the woman undergoing the procedure.” The congressional findings also describe the brutal nature of the procedure and assert that partial-birth abortions are “never medically indicated to preserve the health of the mother”; and

Whereas, Michigan has expressed its firm opposition to partial-birth abortions. Our state’s actions in attempting to put a ban in place reflect our citizens’ strong sense of decency and our outrage at the terrible suffering inflicted through the procedure. The United States Senate needs to follow the lead of the House of Representatives in passing H.R. 4965 to halt this terrible procedure; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to ban partial-birth abortions; and be it further

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

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

Senator Emmons moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Emmons moved that the resolution be referred to the Committee on Families, Mental Health and Human Services.

The motion prevailed.

Senator Hoffman was named co-sponsor of the resolution.

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 63.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Tuesday, June 18, 2002, it stands adjourned until Tuesday, September 17, 2002, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

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

Senator Emmons offered the following concurrent resolution:

Senate Concurrent Resolution No. 64.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, June 19, 2002, it stands adjourned until Tuesday, September 17, 2002, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

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

Senator Peters offered the following resolution:

Senate Resolution No. 245.

A resolution of tribute to Dale J. Outhouse for his exemplary service in the Michigan Senate.

Whereas, It is with great respect, admiration, and gratitude for the service Dale J. Outhouse has provided to the people of the 14th Senate District that he is honored upon his resignation from the Michigan Senate; and

Whereas, Dale began his work in the office of Senator Gary Peters as an intern in 1998, while completing his studies at Lansing Community College. He came to Senator Peters' office after having previously interned for the House Fiscal Agency, but Dale's activism in public service began long before his work on the Michigan political scene. Dale has spent considerable amounts of time standing up for the issues he so passionately believes in. In fact, he has spent time in Europe advocating such causes as nuclear disarmament and has also walked across the continental United States to voice various peace issues. His passion for the freedoms and rights guaranteed by our government has made Dale an inspiration to countless people throughout the years; and

Whereas, After his commendable internship, Dale was offered a position in Senator Peters' office as the caseworker/constituent relations director. His pleasant disposition and genuine desire to help others made Dale a perfect candidate for the job. Dale was later asked to assume the position of office manager as well and has spent the past four years in this position handling casework and constituent inquiries, as well as taking on the role of intern director. In particular, Dale's one-on-one work with the constituents of the 14th Senate District has made a huge impact. Dale goes above and beyond when assisting constituents, working through their problems as though they were his own. This sincerity and stellar performance has not gone unnoticed. Whether he is merely offering information or tackling serious casework, Dale has been praised by countless constituents for his exhaustive efforts and personable demeanor. In fact, many constituents contact Senator Peters' office asking for Dale personally, confident that he will take the time and put in the effort to help them. His contributions to the office of Senator Peters, as well as his dedication and loyalty, have been invaluable; and

Whereas, Dale's involvement in the Michigan Senate has not been limited to the confines of Senator Peters' office. Throughout his Senate career, he has made contacts with many different Senate staffers not only in a work setting, but also in a recreational setting. Dale's close contacts include members on both sides of the aisle, central staff, and general service staff. For several years, his devotion to the great American pastime has compelled him to organize softball teams of staffers in area leagues. Dale has become known as an excellent manager and a good friend to the staff of the Senate; and

Whereas, While Dale is passionate about everything he does, his greatest love is his family. He is married to Lee Lipsitz, a highly-respected and admired veterinarian. They have been together since 1991 and were married in 1996. Together, they have two children: Andrew (3 fi) and Gabriel (1 fi). Dale is an amazing husband and father, always putting his family first. His love for his family is obvious to all those who had the privilege to know Dale; now, therefore, be it

Resolved by the Senate, That we hereby honor and commend Dale J. Outhouse for his exemplary service in the office of Senator Gary Peters. May he know of the high esteem in which he is held by the Michigan Senate and the people of the 14th Senate District; and be it further

Resolved, That a copy of this resolution be transmitted to Dale J. Outhouse as a symbol of our appreciation and gratitude for his distinguished career with the Michigan Senate.

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

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

Senator Johnson offered the following resolution:

Senate Resolution No. 253.

A resolution to extend the time for the task force created by Senate Resolution No. 159 to complete its work.

Whereas, Senate Resolution No. 159 created a task force to study the costs and benefits of a Medicaid buy-in program for working people with disabilities. Under the provisions of the resolution, the task force was to have completed its work and reported its findings and recommendations by September 3, 2002. The group has made significant progress in meeting its goals, but it will need more time to address the matter thoroughly; now, therefore, be it

Resolved by the Senate, That the task force created by Senate Resolution No. 159 to study the costs and benefits of a Medicaid buy-in program for working people with disabilities, which was to have completed its work by September 3, 2002, is extended until October 24, 2002, when it shall report its findings and recommendations.

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

Senator Young was named co-sponsor of the resolution.

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

Senate Resolution No. 246

Senate Resolution No. 249

Senate Resolution No. 250

Senate Resolution No. 251

Senate Resolution No. 252

Senate Resolution No. 255

Senate Resolution No. 258

The resolution consent calendar was adopted.

Senators Emerson, Cherry, Peters and Byrum offered the following resolution:

Senate Resolution No. 246.

A resolution honoring John J. Yorko for a lifetime of dedicated service to his fellow auto workers and to the greater community of Michigan.

Whereas, On August 21, 2002, at the United Auto Workers Local 651 in Flint, friends, family, and admirers of John J. Yorko will gather to celebrate his accomplishments over the past nine decades; and

Whereas, John Yorko has been a lifelong resident of Flint and Genesee County, and this will be an opportunity for many to express their gratitude for the myriad of services John has provided over the years. As life's pace slows for John, the void he will leave becomes more and more apparent; and

Whereas, Beginning his long connection with unions in 1933, John started not with the UAW, with whom he is universally associated now, but with the Food Handlers Union of the American Federation of Labor (AFL). Shortly thereafter, however, John was hired at Fisher Body and was involved in an early strike in an attempt to organize a union. That attempt was not successful, but one year later, John was part of the famous sit-down strike which established the Congress of Industrial Organizations (CIO) and the United Auto Workers; and

Whereas, Continuing his work with General Motors and his association with the UAW throughout the war years, John was elected many times to represent his fellow workers on various committees and in bargaining with the company. His career with General Motors ended in October 1974, after almost 41 years of service; and

Whereas, John Yorko's talents allowed him to serve in many capacities within the union. A small sampling of the offices he held includes president of UAW Local 581, president of UAW Region 1C, chairman of the Michigan 30 and Out Committee, and vice-chair and chair of the National 30 and Out Committee; and

Whereas, John's continuing dedication to his co-workers extended to retirement. After just a few years of retirement, John organized the Flint Area Retired Workers Council and served as president for 22 years. During that time, he was elected as a delegate to the International UAW Retired Workers Advisory Council. The membership there also recognized his leadership ability, and he was elected as vice-president and then as president, a post he held for 15 years representing some 530,000 retired members of the UAW; and

Whereas, The commitment of this man to the membership of the UAW never got in the way of his helping others in the community. Over many years, John Yorko served on numerous local boards and committees. Among the many positions he has held are board member of the United Way, founding member of the Genesee County Sheriffs Consumer Protection Committee and then member again as the committee was resurrected in 1999, board member of the Valley Area Agency on Aging, and board member of the Blind and Visually Impaired Center. In 1995, his combination of service and expertise was recognized by President William J. Clinton who appointed John to the White House Conference on Aging; and

Whereas, The impact that John J. Yorko has had on the lives of countless Genesee County residents has been substantial. His involvement has led to wage increases, improved benefits, and one of his proudest accomplishments,

the 30 and out provision of the contract with General Motors. His knowledge and passion will be missed as he retreats from public life to enjoy his twilight years; now, therefore, be it

Resolved by the Senate, That we hereby honor John J. Yorke for a lifetime of dedicated service, and proclaim August 21, 2002, as John J. Yorke Day in Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to John J. Yorke, the United Auto Workers International, the United Auto Workers Region 1C, and the Flint Area Retired Workers Council as evidence of our gratitude for the services he has provided over the years.

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

Senators Cherry and Emerson offered the following resolution:

Senate Resolution No. 249.

A resolution to honor the many achievements of Miss Amber LeeAnn Bouchard and her crowning as Miss Michigan Pre-Teen America.

Whereas, Miss Amber LeeAnn Bouchard has chosen to live her life in a most conscientious manner, making opportunities she encounters prosperous and rewarding in every way possible. Amber seizes the opportunity of not only programs offered through school, but also many extracurricular interests she has grown to enjoy over the course of her young life; and

Whereas, Year after year, Miss Bouchard takes pride and works diligently to excel in academics, athletics, the arts, and other community and church-related activities. When in kindergarten, Amber worked well above the abilities of most her age in many different areas, most notably, reading. When in first grade, Amber attained the Presidential Fitness Award, something she worked hard for and earned each year that followed while a student at Carter Elementary School in Montrose. In the fourth grade, Amber excelled in the areas of math and reading on the Michigan Educational Assessment Program (M.E.A.P.) and received all A's on her report card for the academic year. In the fifth grade, she was selected along with twelve other classmates to participate in the Cluster Program, a program for gifted and talented students at Kuehn-Haven Middle School. In the sixth grade, Amber was recognized for her accomplishments in the D.A.R.E. program and was asked to read her essay, "Dare to be Different" to her classmates. There is seldom a teacher who does not comment on what a pleasure Amber is to have in their class; and

Whereas, Amber Bouchard has also found an interest in many activities outside of academics, including dance, soccer, softball, and the New Covenant Free Methodist Church choir and annual plays; and

Whereas, Three years ago, Miss Bouchard gathered each of her endless attributes—academic, athletic, and artistic—in an effort to share her wonderful and instinctive sense of what it entails to be a productively well-rounded young American female. In the spring of 1999, Amber LeeAnn Bouchard entered the Miss Michigan American Coed Pageant as a "Sweetheart" contestant. She worked hard and was honored to win the title for talent competition, and she was also selected first runner-up in the speech contest. This year she entered the pageant's "Pre-teen" competition which was held over the Memorial Day weekend; and

Whereas, Amber LeeAnn Bouchard surpassed her wildest dreams on May 26, 2002, when she was crowned Miss Michigan Pre-Teen America. The pageant allowed her to highlight the many interests and talents that make Miss Amber Bouchard the truly wonderful and caring person that she is. In addition to winning the overall competition, she received special recognition in the sportswear, spokesmodel, and talent categories; and

Whereas, Amber Bouchard is a thirteen-year-old student who will be entering the eighth grade at Kuehn-Haven Middle School this fall; now, therefore, be it

Resolved by the Senate, That we extend tribute of congratulations and wish Miss Amber LeeAnn Bouchard well as she continues forward in the Miss Pre-Teen America Pageant in Orlando, Florida, in November; and be it further

Resolved, That a copy of this resolution be transmitted to Miss Amber LeeAnn Bouchard as a token of our admiration for her many accomplishments and the inspiration she provides to so many other young teenagers.

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

Senators Goschka and Garcia offered the following resolution:

Senate Resolution No. 250.

A resolution to express support for efforts to bring the 2003 International Sister Cities Conference to Michigan.

Whereas, The sister cities concept has proven to hold many benefits for our state over the years. Communities of all sizes and types in Michigan have established relationships with communities around the world. Common bonds of shared experiences and resources form the basis for new ideas and solutions; and

Whereas, Sister city programs across Michigan have featured the free exchange of people and ideas over a wide spectrum of topics. Activities have been especially significant in the areas of economic development, education, the arts, and tourism. The relationships fostered by sister cities programs have led to a greater overall understanding of other cultures as well as our own; and

Whereas, Representatives from sister cities in the United States and Mexico will soon be gathering in Puerto Vallarta, Mexico, for the International Sister Cities Conference. The Michigan delegation will include a contingent from Saginaw County that is working hard to bring next year's meetings to Michigan. With the long-standing commitment that communities in our state have made to the sister cities concept, holding the 2003 conference in Saginaw County would be most appropriate; now, therefore, be it

Resolved by the Senate, That we express strong support for efforts to bring the 2003 International Sister Cities Conference to Michigan, in Saginaw County; and be it further

Resolved, That copies of this resolution be transmitted to coordinators of the International Sister Cities Conference. Senators Young and Hoffman were named co-sponsors of the resolution.

Senators Miller, Hart, DeBeaussiaert, Smith, Dingell, Scott, Young, Cherry and Schwarz offered the following resolution:

Senate Resolution No. 251.

A resolution recognizing the induction of Mr. Joe Falls into the National Baseball Hall of Fame.

Whereas, It is a pleasure and a privilege to salute the contributions of Joe Falls to the American Baseball League and particularly to that of our own Detroit Tigers. Mr. Falls strives to be a writer who is true to the players and his love of the game. We are honored to commend this talented man as his efforts are recognized by the Baseball Writers' Association of America and as he is honored by being named the recipient of the 2002 J.G. Taylor Spink Award for his "meritorious contributions to baseball writing." It is an exceptional accomplishment, as Mr. Falls is only the second Michigan writer in the history of the award to receive such a tribute. We extend our utmost congratulations to Mr. Falls on his induction into the National Baseball Hall of Fame in Cooperstown, New York; and

Whereas, Joe Falls began his commitment to and love of the game of baseball at an early age, devoutly attending Yankees, Dodgers, and Giants games throughout his childhood years. To date, he has personally attended over 5,000 professional baseball games and has dedicated 56 years of his life to writing about baseball for the *Detroit Times*, *Detroit Free Press*, and *The Detroit News*. He is noted for displaying his exceptional dedication to his beloved sport and profession. Generations of Michiganders have grown up reading Mr. Falls' columns and forming their opinions of the sport based on his observations and commentaries. Truly, his efforts touch the lives of many; and

Whereas, During the inaugural ceremony, the crowd of 19,000 and the 46 Hall of Famers who were present were attentive and exceptionally responsive to Mr. Falls' speech. He has gained the respect and admiration of his peers, the players, and anyone who loves the game of baseball. His expertise and remarkable ability to write with such honesty and fervor, as only a true fan of the game can, will long be remembered. Capable and knowledgeable writers who can have an influence on the performance of the athletes they critique are rare, and Mr. Joe Falls is one of those few who has been said to make such an impact; and

Whereas, The citizens of Michigan are extremely proud of Mr. Joe Falls and all that he has accomplished. The National Baseball Hall of Fame can certainly take pride in welcoming Mr. Falls as a member and can have every hope and expectation for more of his outstanding writing for years to come; now, therefore, be it

Resolved by the Senate, That the members of this legislative body dedicate and honor the achievements of Mr. Joe Falls upon his induction into the National Baseball Hall of Fame. He has earned the admiration of sporting organizations and all of Michigan's citizens; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Joe Falls as a reflection of our esteem.

Senator Hoffman was named co-sponsor of the resolution.

Senators Miller, Schuette, North, Hart, DeBeaussiaert, Smith, Dingell, Scott, Cherry and Schwarz offered the following resolution:

Senate Resolution No. 252.

A resolution memorializing the life of Everett Kircher, founder of Boyne USA Resorts.

Whereas, It is a pleasure and a privilege to honor the life of Everett Kircher and the many, many contributions he has made to the state of Michigan. While Everett was born in St. Louis, when he was still an infant, his family moved to Detroit where their dedication and grit for hard work soon made a huge impression in his life. He left the University of Michigan after one year of study to help run the family car dealership and repair shop. This only fueled his desire to start his own business. In 1947, he purchased 40 acres of land for \$1 in Boyne Falls, Michigan, which is now known as Boyne Mountain. This purchase was the start of a world-class skiing, golf, and resort empire which now includes Michigan-based Boyne Mountain, Boyne Highlands, The Inn at Bay Harbor, Bay Harbor Golf Club, and Crooked Tree Golf Club; Big Sky Resort in Montana; Brighton Ski Resort near Salt Lake City; Gatlinburg Skyline in Gatlinburg, Tennessee; Crystal Mountain Resort in Seattle, Washington; and the newest edition, Cypress Mountain in Vancouver, British Columbia. Clearly, Everett was a man with a vision whose greatest gift to the world was making his dream a reality; and

Whereas, Everett was not just an entrepreneur. He was also an inventor. His desire to make his ski facilities world-class included his development of many firsts in ski lift operation and the introduction of snowmaking. He designed and engineered the world's first triple chair, installed in 1964 at Boyne Highlands; the world's first four-place chair, installed in 1969 at Boyne Mountain; Michigan's first high-speed, detachable quad chair at Boyne Highlands in 1990; and unveiled America's first six-place, high-speed chair lift in 1992 at Boyne Mountain. His invention of the Boyne Snowmaker is also widely accepted as the standard in the world for marginal temperature snowmaking. Stein Ericksen, world-famous racer and instructor at Boyne Mountain, said it best, "Everett was years ahead of everyone when it came to developing and operating a ski resort and attracting the potential skiing public." This statement was reinforced in 2000 when SKI Magazine honored him as one of the "Top 100 Most Influential Skiers of All Time"; and

Whereas, Mr. Kircher had a great love of the outdoors and devotion to his community. He was appointed by Governor Milliken to the Michigan Economic Action Council and also was a member of the Little Traverse Hospital Board of Trustees. He purchased Walloon Hills ski area and later donated this facility to a nonprofit volunteer organization called Challenge Mountain, which is now a ski resort for the mentally handicapped and physically challenged; and

Whereas, Everett Kircher left behind his loving wife Lois; four children, John, Amy, Stephen, and Kathryn; along with five grandchildren, Tyler, Andrew, Loren, Evelyn, and Everett. He taught his family that ambition and dedication are very important qualities, but at the same time, he never forgot that the devotion to his family was his number one priority. It is with this point in mind that he gave birth to the Boyne USA Resort legacy; and

Whereas, With genuine respect for his tradition, we join with all the citizens of Michigan and the hundreds of thousands of families who have enjoyed his accomplishments by offering our words of praise as a memorial to Everett Kircher, who simply wanted to be known as a great fly fisherman. May his family know that indeed he is the greatest fly fisherman and so much more; now, therefore, be it

Resolved by the Senate, That the members of this legislative body dedicate and honor the life and achievements of Everett Kircher, fly fisherman, entrepreneur, inventor, community activist, and most important, family man. He has earned the admiration of all the lives he has touched; and be it further

Resolved, That a copy of this resolution be transmitted to Everett Kircher's family as a reflection of our esteem.

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

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

The motion prevailed.

Senator Miller's statement is as follows:

I am glad that the body had the time now to adopt these two resolutions. Unfortunately, when we were here earlier this summer in August, it was rather a heated, quickly debated session.

Today, Mr. President, I want to bring attention to two resolutions. One is of a happy concern, Senate Resolution No. 251. It is an honor that Michigan and the Detroit newspaper readers are proud to see that after many years of dedicated baseball coverage, Mr. Joe Falls, who writes for *The Detroit News* and who made a lot of people happy during their good days of baseball and now the dismal days of summer, was inducted into the National Baseball Hall of Fame.

He is a person who has brought a lot of smiles and a lot of tears to baseball lovers in Michigan and across the country. I want to thank the body for their support for that resolution.

One of more somber notice is a resolution for Mr. Everett Kircher. Mr. Kircher, I think, really is best described as a man who brought tourism to northern Michigan. I am sure that the good Senator from the north—Senator North—can better describe this since it is his district.

Mr. Kircher was the founder of Boyne USA Resorts. Come Labor Day, for most people in northern Michigan, after the summer lakes, after fall kind of sets in, and we move from golf to bowling.

Mr. Kircher was a man who had a great vision in the late '50s to early '60s and created Boyne Mountain and brought skiing to mid west Michigan. I would just like to say he has brought a lot of wintertime excitement and enjoyment to families in Michigan.

On behalf of my colleagues who voted for Senate Resolution No. 252, I would like to say thank you, and thank you to the Kircher family for everything that they have done for northern Michigan tourism and putting skiing on the map across the country and in Michigan.

Senator Garcia offered the following resolution:

Senate Resolution No. 255.

A resolution commemorating the 144th Military Police Company in Owosso.

Whereas, It is a pleasure and a privilege to commend the 144th Military Police Company in Owosso for their service in the war against terrorism; and

Whereas, They have served our state and nation with distinction and determination; and

Whereas, In every endeavor, the 144th's military police have displayed the traits of the American fighting spirit which have led to many victories in our nation's history; and

Whereas, In the past, the 144th's duties have ranged from basic law enforcement to patrolling supply routes while serving during World War I, World War II, and Operation Desert Storm; and

Whereas, The Owosso National Guard members were the first state troops to be deployed outside Michigan in response to the September 11 terrorist attack; and

Whereas, They left behind family, friends, their jobs, and the comforts of home; and

Whereas, Service in the National Guard has long been recognized as a most esteemed manner of providing for the safety and well-being of others and as fulfilling, worthwhile employment; and

Whereas, The work of the Michigan National Guard includes maintaining preparedness for our nation's defense and providing emergency services in times of need, and in so doing, providing security for all of our citizens. This security is the result of great personal sacrifices; now, therefore, be it

Resolved by the Senate, That we hereby commemorate and salute all the members of the 144th Military Police Company of Owosso; and be it further

Resolved, That a copy of this resolution be transmitted to the 144th Military Police Company of Owosso as a token of our gratitude and appreciation for their service and sacrifice.

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

Senator Dingell offered the following resolution:

Senate Resolution No. 258.

A resolution commemorating October 24, 2002, as Sarcoidosis Awareness Day in Michigan.

Whereas, Sarcoidosis is an autoimmune disease which, for some unknown reason, causes the body's immune system to attack vital organs. Sarcoidosis can cause heart or lung failure, blindness, and other disabling conditions, including death; and

Whereas, Current research indicates that anyone can develop sarcoidosis, including children. However, the data reflects that females between the ages of 20 and 40 have a higher incidence than males. The etiology is unknown, and there is no cure. Sarcoidosis affects between 20-50 of every 100,000 individuals in the United States; and

Whereas, Sarcoidosis is an enigma in the realm of medicine requiring extensive and ongoing study and research to develop an effective treatment and eventually a cure; and

Whereas, Sarcoidosis Resource Support is a Michigan nonprofit organization. They are the oldest and the only nationally affiliated group in Michigan. Their goal is care, comfort, and a cure; and

Whereas, The mission of Sarcoidosis Resource Support is to offer information, education, and develop programs to assist sarcoidosis patients, families, and friends. They provide access to resources for self-help for alternative medical-health services, vocational training, and/or Social Security disability insurance; now, therefore, be it

Resolved by the Senate, That Sarcoidosis Awareness Day in Michigan be commemorated on October 24, 2002, and that we encourage public education on sarcoidosis and support research for better treatment options and a cure; and be it further

Resolved, That a copy of this resolution be transmitted to the National Sarcoidosis Society Inc.

House Concurrent Resolution No. 69.

A concurrent resolution prescribing the legislative schedule.

Resolved by the House of Representatives (the Senate concurring), That when the House of Representatives adjourns on Wednesday, July 3, 2002, it stand adjourned until Tuesday, August 13, 2002 at 10:00 a.m.; and be it further

Resolved, That when the Senate adjourns on Wednesday, July 10, 2002, it stand adjourned until Tuesday, August 13, 2002.

The House of Representatives has adopted the concurrent resolution.

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

Senator North offered the following resolution:

Senate Resolution No. 259.

A resolution commemorating Newberry, Michigan, as the Moose Capital in the state of Michigan.

Whereas, The residents of Newberry, Michigan, have requested the Michigan Legislature to name Newberry the Moose Capital of Michigan; and

Whereas, Moose were given complete protection in Michigan in 1889 but soon disappeared from the Lower Peninsula, and only a small herd survived in the Upper Peninsula; and

Whereas, In the 1930s, the Department of Natural Resources began efforts to increase the moose population in the Upper Peninsula. From the herd on Isle Royale, 71 animals were live-trapped and transported to the mainland. The majority of the herd were released in Keweenaw, Marquette, and Schoolcraft Counties. Unfortunately, the project was not successful; and

Whereas, In the 1970s, biologists noted changes in the U.P. that resulted in better habitat for moose. The prospects for reintroduction looked good. Releasing a sizable number of moose into one area with good habitat would stimulate reproduction and result in a self-sustaining population. In 1985 and 1987, with the help of sporting clubs, civic groups, and other interested people, 59 moose were brought from Algonquin Provincial Park, Ontario, and released in Marquette County; and

Whereas, Since 1985, biologists have studied the reintroduced moose population. As the population grew, the biologists began using a population model based on the birth and death rates. Over time, maintaining an adequate sample of animals for the population model was not feasible. In 1996, the DNR began using aerial surveys; and

Whereas, Tahquamenon Falls State Park near Newberry receives more moose sighting reports than any other location in Michigan; now, therefore, be it

Resolved by the Senate, That we proudly commemorate Newberry, Michigan, as the Moose Capital of the state of Michigan, and we commend all of the residents of the state of Michigan who contributed in the reintroduction process; and be it further

Resolved, That a copy of this resolution be transmitted to the Newberry Chamber of Commerce as evidence of our support.

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

Senator Young was named co-sponsor of the resolution.

Senator Sikkema offered the following resolution:

Senate Resolution No. 257.

A resolution commemorating October 2, 2002, as Aquatic Nuisance Species Awareness Day.

Whereas, Michigan's economy depends on its great abundance of fresh water for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Prevention of new introductions of aquatic nuisance species ultimately benefits the state of Michigan. By preventing introductions of new aquatic nuisance species to begin with, the state of Michigan, business, industry, and the citizenry would not need to employ costly methods to control and manage them; and

Whereas, Over 160 nonindigenous aquatic nuisance species have been introduced to the Great Lakes. Species such as the zebra mussel and the sea lamprey, two of the most devastating species introduced, are costing millions of dollars for control efforts; and

Whereas, Michigan has over 3.5 million registered boaters and many other recreational, commercial, and industrial users of over 11,000 lakes and ponds and over 36,000 miles of streams in the state, many of which are impacted by aquatic nuisance species; and

Whereas, Aquatic nuisance species awareness is an important first step towards behavioral change which prevents the introduction and spread of aquatic nuisance species; and

Whereas, The Aquatic Nuisance Species State Management Plan Update, which identifies targeted areas of activities within the state, is a fundamental approach to preventing the spread and introduction of aquatic nuisance species in Michigan through multi-agency and organization cooperation and coordination; and

Whereas, Michigan's Aquatic Nuisance Species State Management Plan Update is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and the citizenry at large to take action towards prevention and control of aquatic nuisance species; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 2, 2002, as Aquatic Nuisance Species Awareness Day; and be it further

Resolved, That the Aquatic Nuisance Species State Management Plan Update has been received and affirmed and is hereby adopted. This plan will work to support the partnership between the government and various business, industry, environmental groups, community organizations, and the citizenry and to encourage greater knowledge, understanding, and awareness and the environmental and ecological impacts they impose on the natural resources of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture, Michigan Department of Natural Resources, Office of the Great Lakes, Great Lakes Fishery Commission, Michigan congressional delegation, and the Great Lakes Commission.

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

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

The question being on the adoption of the resolution,

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

The motion prevailed.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 247.

A resolution to honor the memory of Emil Lockwood, former member of the Michigan Senate.

Whereas, People throughout state government were saddened to learn of the passing of Emil Lockwood, former Senate Majority Leader and long-time activist in public affairs in Michigan. A man of integrity, intellect, and energy, Emil Lockwood provided exceptional leadership during one of the most volatile periods in recent history; and

Whereas, A native of rural Illinois, Emil Lockwood was highly decorated for his leadership as a naval officer from 1942 to 1945 in the Pacific. The ability he demonstrated in battle to respond with vision and effectiveness in the face of pressure was to distinguish much of his life. He earned both his bachelor's and master's degrees from the University of Michigan and was a certified public accountant who developed several businesses over the years. These skills of organization, tenacity, and communications greatly benefited our state; and

Whereas, First elected to the Michigan Senate in 1962, Emil Lockwood came to Lansing as the state was preparing to reshape itself through a new constitution. His principled approach to public service earned him the trust of members on both sides of the political aisle. In response to the tragedy of the Detroit riots and urban unrest elsewhere, Senate Majority Leader Lockwood helped craft landmark civil rights and open housing legislation; and

Whereas, After leaving the legislative arena in 1970, Emil Lockwood continued to play a prominent role in public policy issues as a founder of a groundbreaking public issues company. In all aspects of his life, this talented and committed gentleman exerted a strong positive impact. Indeed, Michigan is a far better place as a result of his efforts; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to honor the memory of Emil Lockwood, who served with the Michigan Senate from 1963 to 1970; and be it further

Resolved, That copies of this resolution be transmitted to the Lockwood family as evidence of our lasting esteem for his memory.

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

Senator Emmons moved that the rule be suspended.

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

The resolution was adopted by a unanimous standing vote of the Senate.

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

Senators DeGrow and Cherry offered the following resolution:

Senate Resolution No. 248.

A resolution to honor the memory of Dr. Edward Pierce, former member of the Michigan Senate.

Whereas, The members of the Michigan Senate were saddened to learn of the untimely passing of our friend and former colleague, Dr. Edward Pierce. His compassionate spirit served the people of our state and his home community of Ann Arbor in many ways over the years. The example of his unselfish efforts and vigorous public-mindedness will long be remembered; and

Whereas, A native of Three Rivers who came to Ann Arbor as a boy, Ed Pierce served with the United States Air Force and earned his bachelor's and medical degrees at the University of Michigan before working as a family practice physician for more than 35 years. His great concern for others, especially those in need, led to his establishment of a free clinic for low-income people in Ann Arbor, which touched many lives. His personal interest in the challenges facing the community led to a lifetime of civic activism that paralleled his medical career. His public service included work on the Ann Arbor City Council and as the mayor and his notable efforts in the Michigan Senate from 1979 to 1982; and

Whereas, As a lawmaker, Ed Pierce distinguished himself as the chair of the Health and Social Services Committee and as the vice chair of the Education Committee and the Senate Administration and Rules Committee. As was the case in all aspects of his life, Edward Pierce was a strong and articulate advocate for those with little voice in policy debates. His willingness to take on difficult issues with enthusiasm and commitment earned him the respect of many people; now, therefore, be it

Resolved by the Senate, That we offer this expression of tribute to honor the memory of Edward Pierce, M.D., who served in the Michigan Senate from 1979 to 1982; and be it further

Resolved, That copies of this resolution be transmitted to the Pierce family as evidence of our sincere condolences.

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

Senator Emmons moved that the rule be suspended.
The resolution was adopted by a unanimous standing vote of the Senate.
The motion prevailed, a majority of the members serving voting therefor.
Senators Young and Hoffman were named co-sponsors of the resolution.

Senator Johnson offered the following resolution:

Senate Resolution No. 254.

A resolution memorializing the life of Officer Jessica Nagle-Wilson.

Many daughters have done virtuously, but thou excellest
them all...Give her of the fruit of her hands; and let her
own works praise her at the gates.

— Proverbs 31:29-31

Whereas, It is with deep respect and sorrow that we offer this resolution as a memorial for the life of Hazel Park Police Officer Jessica Nagle-Wilson. With this tragic passing, the Hazel Park community as well as Oakland County has lost a civil servant of great dedication and unselfishness. To her husband Detroit Police Officer Matthew Wilson, her parents Bill and Debbie, her siblings Rob and Amanda, her grandmother Patricia Russell, and her extended family, in addition to her colleagues in law enforcement, we offer this expression of our gratitude and admiration for the gifts she shared with the people of our state; and

Whereas, Jessica Wilson was born in Warren, Michigan, and attended Fitzgerald High School excelling in softball, volleyball, and basketball. She graduated from Ferris State University in 2000 with a B.S. in criminal justice. There she served as president of Lambda Alpha Epsilon Criminal Justice Fraternity. Prior to her service to the Hazel Park community, Jessica interned with the Forestry Department and the Port Huron Police Department; and

Whereas, Jessica, a devoted wife, daughter, sister, granddaughter, and daughter-in-law, will undoubtedly always be remembered by her family as an energetic, caring, and passionate woman, forever dear to their hearts. Surely, her many friends will also treasure their memories of her and their wonderful times together; and

Whereas, Officer Wilson set standards of service on the job and throughout the community that epitomized the values and qualities we seek in the men and women who dedicate themselves to public safety. To her, being a law enforcement officer was not just a job, but a total commitment and one she carried out in the most commendable way; and

Whereas, Officer Wilson, having only served for a few years, was highly respected by her peers. She was the first officer to die in the line of duty in the history of the department and the first female police officer within Oakland County. Jessica will be sincerely missed; now, therefore, be it

Resolved by the Senate, That we offer words of praise as a memorial for the life of Officer Jessica Nagle-Wilson. We wish her family, friends, and the entire policing community comfort in their memory of her as a symbol of hope in a safer world, faith in life and community, and love of family; and be it further

Resolved, That copies of this resolution be transmitted to the Nagle and Wilson families as well as the Hazel Park Police Department as a reflection of our condolences.

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

Senator Emmons moved that the rule be suspended.

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

The resolution was adopted by a unanimous standing vote of the Senate.

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

Senators DeGrow, Emmons, Bennett, Steil, Sikkema, Schuette, Stille, Johnson, McManus, Sanborn, Van Regenmorter, North, Garcia, Dunaskiss, Goschka, Hammerstrom, Hoffman, Gast and Cherry offered the following resolution:

Senate Resolution No. 260.

A resolution to amend Rule 3.102 of the Standing Rules of the Senate.

Resolved by the Senate, That Rule 3.102 of the Standing Rules of the Senate be amended to read as follows:

“3.102 ORDER OF BUSINESS

The order of business of the Senate shall be as follows:

1. Call to Order
2. Invocation
3. PLEDGE OF ALLEGIANCE
4. ~~3.~~ Roll Call

5. ~~4.~~ Motions and Communications
6. ~~5.~~ Messages from the Governor
7. ~~6.~~ Messages from the House
8. ~~7.~~ Conference Reports
9. ~~8.~~ Third Reading of Bills
10. ~~9.~~ General Orders
11. ~~10.~~ Resolutions
12. ~~11.~~ Introduction and Referral of Bills
13. ~~12.~~ Statements
14. ~~13.~~ Adjournment”.

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

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

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

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

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

Senate Concurrent Resolution No. 67.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see Senate Journal No. 59, p. 1977.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Miller's statement is as follows:

It's been a very trying morning not only with the good things that have happened this summer while we were gone, but we heard these sad resolutions here on the floor that honored people who have made major contributions to our state and our lives. I want to just mention an individual who I had the privilege of meeting when I first ran for this office. I understand that my leader is putting together a resolution for him, but two days after we adjourned this summer on August 16, a great leader for labor, for working men and women, and for all Americans, and people who believe in a free world, Steven Yokich lost his life, Mr. President.

He was a great, great friend of working men and women, and he was a friend of mine. I remember when I first went for an endorsement over to the UAW back in 1978. Mr. Yokich at that time was a young, up and coming labor leader. He was the director of UAW Region 1. When I went in there, I kind of thought I knew all the answers, being that I was in the Senate, but he kind of told me that I was wrong on many fronts. More or less, he let me know that if I was going to be a good leader, I needed to forget the newspaper clippings and work to help men and women across Michigan receive some of the great benefits that they so deservedly needed.

Mr. President, Mr. Yokich was not only a great worldwide leader, he had friends all over the metropolitan Detroit area because he never forgot his roots, and that's what made this man incredibly popular and strong amongst his friends. Even though he was the president of the largest union in the free world, he still had time to live in Michigan. He resided in Montcalm County, he was a great family man, and he was a great friend to just so many people. It didn't matter whether you were a waitress or whether you were a president of one of the major automobile companies.

When he passed away, the memorial service had people by the thousands lined up to pay their respects. You saw people, like I said, from all walks of life, whether you were a janitor or you were Jack Smith, the president of General Motors, the president of Chrysler Corporation, or the president of Ford Motor. People in the business industry were there and made great comments about what an outstanding person he was.

Mr. President, I had the privilege of working in this body for over 25 years and got to meet a lot of great people, and I just want to say that Steven Yokich not only was a great friend for me, but he made the quality of life for so many people in this state better every day. I just hope for his family, whom I know will miss him tremendously, and so will the thousands of men and women who he brought a sense of security to their lives, for their jobs, and for their futures.

Senator Emmons' statement is as follows:

Emil Lockwood was an interesting man because he held himself as a man of integrity.

He also was a clever and gifted leader, and as one of his constituents, I had great admiration for him. Recently, last week when he died, John Stafford for the Greenville Daily News wrote a small piece about Senator Lockwood that I think points out his cleverness and his wit.

This is what he wrote: "We first met when Lockwood lived in St. Louis and ran successfully for the first time. He was a gifted politician and landed on the powerful Senate Appropriations Committee as a freshman legislator. Occasionally, in this life you remember a comment once directed your way. I once asked Emil why in the world he voted in favor of a certain bill that seemed ridiculous to me? Emil replied, 'Probably because I never received the letter that you never wrote.' "

So that's indicative of the kind of person he was, who always had an answer and was a gifted, gifted leader, and we certainly must express our condolences to his family.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senators Hoffman, Hammerstrom and Bullard introduced

Senate Bill No. 1401, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

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

Senators Garcia, North and Goschka introduced

Senate Bill No. 1402, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending sections 2, 3, and 5 (MCL 52.202, 52.203, and 52.205), section 2 as amended by 2001 PA 26 and section 5 as amended by 1980 PA 401, and by adding section 5b.

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

Senators Hoffman and Bullard introduced

Senate Bill No. 1403, entitled

A bill to amend 1929 PA 152, entitled "An act to provide for the state-owned and operated Michigan public safety communications system for police and public safety purposes; to provide for acquisition, construction, implementation, operation, and maintenance of the property and equipment necessary to operate the system; and to prescribe the powers and duties of certain state agencies and officials," by amending section 3 (MCL 28.283), as amended by 1996 PA 538.

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

Senator Bullard introduced

Senate Bill No. 1404, entitled

A bill to amend 2000 PA 321, entitled "Recreational authorities act," by amending sections 3 and 5 (MCL 123.1133 and 123.1135).

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

Senator Bullard introduced

Senate Bill No. 1405, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending sections 13 and 18 (MCL 492.113 and 492.118), section 13 as amended by 1990 PA 27 and section 18 as amended by 1995 PA 166.

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

Senator Bullard introduced

Senate Bill No. 1406, entitled

A bill to repeal 1993 PA 330, entitled "State real estate transfer tax act," (MCL 207.521 to 207.537).

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

Senator Garcia introduced

Senate Bill No. 1407, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 2110a (MCL 500.2110a), as added by 1996 PA 514, and by adding section 2015.

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

Senator Goschka introduced

Senate Bill No. 1408, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1175a.

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

Senator Bullard introduced

Senate Bill No. 1409, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 710e (MCL 257.710e), as amended by 1999 PA 29.

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

Senator Bullard introduced

Senate Bill No. 1410, entitled

A bill to amend 1969 PA 317, entitled “Worker’s disability compensation act of 1969,” by amending section 625 (MCL 418.625), as amended by 1995 PA 271.

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

Senator Bullard introduced

Senate Bill No. 1411, entitled

A bill to amend 1976 PA 442, entitled “Freedom of information act,” by amending section 4 (MCL 15.234), as amended by 1996 PA 553.

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

Senator Bullard introduced

Senate Bill No. 1412, entitled

A bill to amend 1895 PA 161, entitled “An act to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor,” by amending section 1 (MCL 48.101), as amended by 1984 PA 291.

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

Senator Garcia introduced

Senate Bill No. 1413, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 634, 649, and 650 (MCL 257.634, 257.649, and 257.650), section 634 as amended by 1989 PA 346.

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

Senator Garcia introduced

Senate Bill No. 1414, entitled

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

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

Senator Peters introduced

Senate Bill No. 1415, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411t.

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

Senator Peters introduced

Senate Bill No. 1416, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," (MCL 38.1132 to 38.1140/) by adding section 13b.

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

Senator Bullard introduced

Senate Bill No. 1417, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 12 (MCL 125.2692).

The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Corrections submitted the following:

Meeting held on Monday, July 15, 2002, at 9:05 p.m., Kinross Township Hall, Kinross

Present: Senators North (C) and Hoffman

Excused: Senator Smith

COMMITTEE ATTENDANCE REPORT

The Second Conference Committee on Transportation (HB 5651) submitted the following:

Meeting held on Tuesday, August 13, 2002, at 9:00 a.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Hoffman, Goschka and Young

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Detroit Regional Transportation Authority (HB 5467) submitted the following:

Meeting held on Tuesday, August 13, 2002, at 9:30 a.m., Room H-426, Capitol Building

Present: Senators Bullard and McCotter

Excused: Senator Young

Scheduled Meetings

Appropriations - Wednesday, September 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Capital Outlay, Joint - Wednesday, September 18, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Families, Mental Health and Human Services - Wednesdays, September 18 and September 25, 3:00 p.m., Room 100, Farnum Building (373-3543)

Hunting, Fishing and Forestry - Wednesday, September 18, 1:00 p.m., Room 100, Farnum Building (373-7670)

Judiciary and House Civil Law and the Judiciary, Joint - Wednesday, September 18, 12:00 noon, House Appropriations Rooms, 3rd Floor, Capitol Building (373-6920)

Legislative Retirement Board of Trustees - Wednesday, September 25, 3:00 p.m., Room H-252, Capitol Building (373-0575)

Local, Urban and State Affairs - Wednesday, September 18, 9:30 a.m., Room 110, Farnum Building (373-1707)

Senate Fiscal Agency Board of Governors - Wednesday, September 25, 3:00 p.m. or later immediately following the Senate Appropriations Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 10:47 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, September 18, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.