

No. 72
STATE OF MICHIGAN
Journal of the Senate
91st Legislature
REGULAR SESSION OF 2002

Senate Chamber, Lansing, Tuesday, December 10, 2002.

10:00 a.m.

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

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

Bennett—present
Bullard—present
Byrum—present
Cherry—present
DeBeaussaert—present
DeGrow—present
Dingell—excused
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—excused
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

Pastor Tony Patrick of the Presbyterian Church of Lansing offered the following invocation:

Great, mighty, and creative God, You have no beginning and no ending. We thank You for this day. We thank You for all the people, animals, and earth that have sacrificed themselves in order for the rest of us to live as we do. Help us to live lives worthy of those sacrifices.

This body of government called the Michigan Senate does have a beginning and ending with term limits, but the work that they do does not. There is no lame duck in terms of serving the people. There are many for whom this may be some of their final moments to serve in this office in this last session during this last month of the year. Make it their finest moments of service so that they may retire with integrity and dignity.

So it is with true humility that we seek Your continuing presence and guidance for this group of men and women who guide the process by which Your people are served. Bless them with true wisdom; bless those who serve with them in supportive roles; and bless all those who come before this session with truth and intentions that will lift up the whole community of Michigan. Help them as they seek to bring justice and prosperity to all of its citizens regardless of race, color, national origin, religious preferences, or financial prowess.

In the world today, You already know what the Iraq report on armaments means. We seek Your guidance for those reading and interpreting it. Guide our larger government and the U.N. as they seek justice and compromise in living together on this planet You have entrusted to our care. Keep us hopeful for peaceful negotiations; keep safe those soldiers who try to keep peace. Bring healing to our relationships local and abroad; bring healing for those who suffer from AIDS, cancers, and all other illnesses of the body; bring healing to our planet; and bring us all into simple living that might aid our world, our economy, and our relationships with each other.

Lord, bless the Governor and Governor-elect, the Senate and the Senate-elect, the House and the House-elect, and other current officials and their elected replacements. Guide us all in the way of justice and peace. Amen.

The Assistant President pro tempore, Senator Hoffman, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senators Byrum and McManus presented Pastor Tony Patrick with a special tribute for his leadership with the staff prayer and support group.

Motions and Communications

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

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

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

The Secretary submitted, pursuant to Senate Rule 1.208, the following report on out-of-state travel by Members on Legislative business for the quarter ending September 30, 2002:

Senator Dianne Byrum	July 10-12 NCSL Streamlined Sales Tax Implementing States Salt Lake City, UT	\$ 474.80
	July 22-26 NCSL 2002 Annual Conference Denver, CO	\$ 913.16
Senator John Cherry	July 21-27 NCSL 2002 Annual Conference Denver, CO	\$ 952.48
Senator Mat Dunaskiss	July 23-28 NCSL 2002 Annual Conference Denver, CO	\$ 1,896.51

Senator Joanne Emmons	July 10-12 NCSL Streamlined Sales Tax Implementing States Salt Lake City, UT	\$ 162.22
	July 23-27 NCSL 2002 Annual Conference Denver, CO	\$ 680.72

The following communication was received:

December 5, 2002

The Honorable John M. Engler
Governor, State of Michigan
2nd Floor Romney Building
111 S. Capitol Avenue
Lansing, Michigan 48909

Dear Governor:

Pursuant to the authority vested in you by Article V, Section 20 of the Constitution of the State of Michigan, and language contained in P.A. 431 of 1984, as amended: I, Senator Harry Gast, Chairman of the Senate Appropriations Committee of the Michigan State Legislature, hereby certify that the official minutes of our Committee show that the majority of members of our Committee, elected and serving, are recorded as approving Executive Order No. 2002-22, dated December 5, 2002.

Sincerely,
Harry Gast, Chairman
Senate Appropriations Committee

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 5:

House Bill Nos.	4092	4330	4492	4605	5149	5150	5523	5829	5977	5978	6119	6120	6186	6234
	6238	6338	6343	6356	6444	6445	6491	6494	6495					

The Secretary announced that the following House bills were received in the Senate and filed on Friday, December 6:

House Bill Nos. 5035 5469 5691

The Secretary announced the printing and placement in the members' files on Thursday, December 5, of:

Senate Bill Nos. 1521 1522 1523
House Bill No. 6568

The Secretary announced the printing and placement in the members' files on Friday, December 6, of:

House Bill Nos. 6569 6570 6571
House Joint Resolution JJ

Messages from the Governor

The following message from the Governor was received on December 5, 2002, and read:

EXECUTIVE ORDER No. 2002 - 22

Implementation of Expenditure Reductions under Provisions of Article V, Section 20, of the Michigan Constitution of 1963

Whereas, Article V, Section 20, of the Michigan Constitution of 1963 states that no appropriation is a mandate to spend, and that the Governor, with the approval of the appropriating committees of the House of Representatives and Senate, shall reduce expenditures authorized by appropriations whenever it appears that actual revenues for a fiscal period will fall below the revenue estimates on which appropriations for that period were based, and that reductions shall be made in accordance with procedures prescribed by law; and

Whereas, it appears that actual revenues for the fiscal period October 1, 2002 to September 30, 2003, will fall below the revenue estimates on which appropriations for that period were based, said estimates having been determined by the Legislature in accordance with Article IV, Section 31, of the Constitution of the State of Michigan; and

Whereas, under provisions of Section 391, Act 431 of the Public Acts of 1984, on the basis of written information from the State Budget Director and the State Treasurer, a finding has been made that actual revenue will fall below such revenue estimates; and

Whereas, there is an unanticipated loss of funding which the departments and agencies of state government do not expect to obtain or make up during the current fiscal year; and

Whereas, expenditure reductions totaling \$230,586,391.00 general fund-general purpose and \$106,810,500.00 special purpose funds are necessary.

Now, Therefore, I, John Engler, Governor of the State of Michigan, pursuant to the authority vested in me by the Michigan Constitution of 1963 and the laws of the State of Michigan, and with the approval of a majority of members of each appropriations committee, do hereby order the following reductions:

- A. Portions of general fund-general purpose appropriations amounting to \$227,188,891.00 contained in the following public acts are hereby reduced. Where the expenditure reductions of general fund-general purpose appropriations in this order reduce the restricted portions of gross appropriations and sources of financing that will be earned, the amounts to be reduced shall be provided separately to the State Budget Director for approval and entry into the accounts.

<u>Public Act</u>	<u>Department</u>	<u>Reduction Amount</u>
2002 PA 516	Agriculture	976,900
2002 PA 528	Attorney General	844,200
2002 PA 518	Capital Outlay	427,700
2002 PA 517	Career Development	694,600
2002 PA 528	Civil Rights	335,800
2002 PA 528	Civil Service	250,400
2002 PA 161	Community Colleges	7,993,308
2002 PA 519	Community Health	83,031,200
2002 PA 527	Consumer and Industry Services	899,400
2002 PA 524	Corrections	12,602,500
2002 PA 522	Education	419,300
2002 PA 520	Environmental Quality	2,210,800
2002 PA 528	Executive Office	125,500
2002 PA 529	Family Independence Agency	8,031,000
2002 PA 144	Higher Education	45,306,783
2002 PA 523	History, Arts and Libraries	1,522,400
2002 PA 528	Management and Budget	1,100,900
2002 PA 517	Michigan Strategic Fund	3,000,000
2002 PA 514	Military and Veterans Affairs	400,800
2002 PA 525	Natural Resources	1,095,600
2002 PA 528	State	424,200
2002 PA 526	State Police	4,305,700
2002 PA 528	Treasury	51,189,900
		<u>227,188,891</u>

- B. Unless otherwise provided in Section C, reductions in appropriations for departments and agencies contained in the public acts enumerated in Section A are in amounts equal to 2.5 percent of the total general fund-general purpose appropriation for the respective departments and agencies.

- C. The reduction totals for the department and agencies in Section A include the following appropriation items or are predicated upon the following actions:

1. Department of Agriculture

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$976,900.00, shall be conducted pursuant to section 224, 2002 PA 516.

2. Department of Attorney General

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$844,200.00, shall be conducted pursuant to section 216, 2002 PA 528.

3. Capital Outlay

<u>Appropriation Number</u>	<u>Item</u>	<u>Reduction Amount</u>
74775	Major special maintenance and remodeling for department of community health	52,200
74776	Major special maintenance and remodeling for department of corrections	216,900

74777	Major special maintenance and remodeling for family independence agency	57,400
74778	Major special maintenance and remodeling for department of management and budget	74,400
74779	Major special maintenance and remodeling for department of state police	<u>26,800</u>
		427,700

4. Department of Career Development

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$694,600.00, shall be conducted pursuant to section 261, 2002 PA 517.

5. Department of Civil Rights

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$335,800.00, shall be conducted pursuant to section 216, 2002 PA 528.

6. Department of Civil Service

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$250,400.00, shall be conducted pursuant to section 216, 2002 PA 528.

7. Community Colleges

a. Appropriation Number	Item	Reduction Amount
07600	Alpena Community College	133,022
07605	Bay de Noc Community College	128,464
07610	Delta College	370,968
07620	Glen Oaks Community College	62,242
07625	Gogebic Community College	109,311
07630	Grand Rapids Community College	466,617
07635	Henry Ford Community College	568,666
07645	Jackson Community College	314,789
07650	Kalamazoo Valley Community College	321,188
07655	Kellogg Community College	252,347
07660	Kirtland Community College	76,589
07665	Lake Michigan College	135,814
07670	Lansing Community College	806,929
07675	Macomb Community College	860,968
07680	Mid Michigan Community College	114,853
07685	Monroe County Community College	111,743
07690	Montcalm Community College	80,824
07615	C.S. Mott Community College	407,970
07695	Muskegon Community College	232,168
07700	North Central Michigan College	78,637
07705	Northwestern Michigan College	236,901
07710	Oakland Community College	543,110
07715	St. Clair County Community College	181,920
07720	Schoolcraft College	318,753
07725	Southwestern Michigan College	171,108
07730	Washtenaw Community College	323,974
07735	Wayne County Community College	431,316
07740	West Shore Community College	59,659
09020	At-risk student success program	<u>92,458</u>
		7,993,308

b. Amend subsection (3) of Section 401 of Act No. 161 of the Public Acts of 2002 as follows:

(3) For the fiscal year ending September 30, 2003, the at-risk student success program money is allocated as follows:

Alpena Community College	\$85,654	\$83,509
Bay de Noc Community College	93,194	90,860
Delta College	109,215	106,480
Glen Oaks Community College	138,528	135,060
Gogebic Community College	78,171	76,213
Grand Rapids Community College	88,959	86,731
Henry Ford Community College	163,814	159,713
Jackson Community College	113,121	110,288
Kalamazoo Valley Community College	116,085	113,179
Kellogg Community College	156,823	152,896
Kirtland Community College	169,343	165,102

Lake Michigan College	186,759	182,082
Lansing Community College	162,796	158,719
Macomb Community College	92,395	90,081
Mid Michigan Community College	138,950	135,470
Monroe County Community College	99,550	97,057
Montcalm Community College	69,465	67,725
Mott Community College	111,102	108,320
Muskegon Community College	209,919	204,662
North Central Community College	156,702	152,778
Northwestern Michigan College	129,025	125,794
Oakland Community College	157,358	153,417
St. Clair Community College	88,500	86,284
Schoolcraft Community College	152,307	148,493
Southwestern Michigan College	180,889	176,359
Washtenaw Community College	170,388	166,121
Wayne County Community College	142,398	138,832
West Shore Community College	130,693	127,420

8. Department of Community Health**a. Appropriation**

<u>Number</u>	<u>Item</u>	<u>Reduction Amount</u>
33680	Long-term care services	16,600,000
14262	Local MCH services	2,985,100
		<u>19,585,100</u>

- b. In addition, the 2.5 percent reduction from the adjusted general fund appropriations for the Department of Community Health shall not reduce the state's maintenance of effort requirement under the Temporary Assistance for Needy Families program.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$63,446,100.00, shall be conducted pursuant to section 261, 2002 PA 519.

9. Department of Consumer and Industry Services

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$899,400.00, shall be conducted pursuant to section 261, 2002 PA 527.

10. Department of Corrections

The reductions in this section and in Section D for the Department of Corrections are in an amount equal to 1.0 percent of the adjusted general fund-general purpose appropriation.

<u>Appropriation Number</u>	<u>Item</u>	<u>Reduction Amount</u>
01050	Executive direction	100,000
02070	Administrative services	325,000
04133	Substance abuse testing and treatment	200,000
02072	Training	1,500,000
23322	Special alternative incarceration program	7,300
19333	Probation residential centers	1,312,000
19335	Community corrections comprehensive plans and services	27,000
19337	Public education and training	20,000
28531	County jail reimbursement program	800,000
10370	DOJ psychiatric plan - MDCH mental health services	511,700
16380	Health care administration	100,000
16382	Vaccination program	500,000
29005	Academic / vocational programs	750,000
46002	Alger maximum correctional facility - Munising	133,100
47002	Baraga maximum correctional facility - Baraga	156,500
49002	Chippewa correctional facility - Kincheloe	255,100
50002	Kinross correctional facility - Kincheloe	278,800
51002	Marquette branch prison - Marquette	127,600
54002	Newberry correctional facility - Newberry	141,400
52002	Oaks correctional facility - Eastlake	139,800
55002	Ojibway correctional facility - Marenisco	145,400
56002	Pugsley correctional facility - Kingsley	141,300
83002	Saginaw correctional facility - Freeland	127,600
53002	Standish maximum correctional facility - Standish	145,900
35002	Cooper Street correctional facility - Jackson	161,100

36002	G. Robert Cotton correctional facility - Jackson	127,600
32002	Charles Egeler reception center - Jackson	127,500
79002	Gus Harrison correctional facility - Adrian	285,100
78002	Huron Valley correctional facility - Ypsilanti	157,500
89002	Macomb correctional facility - New Haven	132,600
87002	Mound correctional facility - Detroit	127,500
34002	Parnall correctional facility - Jackson	127,600
86002	Ryan correctional facility - Detroit	127,500
82002	Robert Scott correctional facility - Plymouth	184,600
33002	Southern Michigan correctional facility - Jackson	127,600
80002	Thumb correctional facility - Lapeer	189,100
85002	Western Wayne correctional facility - Plymouth	127,500
67002	Bellamy Creek correctional facility - Ionia	617,600
72002	Earnest C. Brooks correctional facility - Muskegon	285,100
48002	Carson City correctional facility - Carson City	255,100
76002	Florence Crane correctional facility - Coldwater	193,900
63002	Deerfield correctional facility - Ionia	138,000
61002	Richard A. Handlon correctional facility - Ionia	127,600
62002	Ionia maximum correctional facility - Ionia	127,500
77002	Lakeland correctional facility - Coldwater	127,500
66002	Muskegon correctional facility - Muskegon	127,500
70002	Pine River correctional facility - St. Louis	127,500
64002	Riverside correctional facility - Ionia	157,600
69002	St. Louis correctional facility - St. Louis	319,300
05083	Information technology services and projects	50,000
		<u>12,602,500</u>

11. Department of Education

The 2.5 percent reduction from the adjusted general fund appropriations for the Department of Education shall not reduce the state's maintenance of effort requirement under the Temporary Assistance for Needy Families program. Appropriation authorization adjustments required to implement general fund expenditure reductions of \$419,300.00, shall be conducted pursuant to section 222, 2002 PA 522.

12. Department of Environmental Quality

- a. Appropriation
- | <u>Number</u> | <u>Item</u> | <u>Reduction
Amount</u> |
|---------------|---------------------------|-----------------------------|
| 01017 | Office of the Great Lakes | 400,000 |
- b. In addition, appropriation authorization adjustments required to implement general fund expenditure reductions of \$1,810,800.00, shall be conducted pursuant to section 1501, 2002 PA 520.

13. Executive Office

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$125,500.00, shall be conducted pursuant to section 216, 2002 PA 528.

14. Family Independence Agency

The reduction in appropriations for the Family Independence Agency is in an amount equal to 1.0 percent of the adjusted general fund-general purpose appropriation.

The 1.0 percent reduction in general fund appropriations for the Family Independence Agency shall not reduce the state's maintenance of effort requirement under the Temporary Assistance for Needy Families program.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$8,031,000.00, shall be conducted pursuant to section 265, 2002 PA 529.

15. Higher Education

- a. Appropriation
- | <u>Number</u> | <u>Item</u> | <u>Reduction
Amount</u> |
|---------------|------------------------------------|-----------------------------|
| 01001 | Central Michigan University | 2,250,197 |
| 01501 | Eastern Michigan University | 2,191,030 |
| 02001 | Ferris State University | 1,388,071 |
| 02501 | Grand Valley State University | 1,502,453 |
| 04001 | Lake Superior State University | 356,734 |
| 03001 | Michigan State University | 8,149,929 |
| 03501 | Michigan Technological University | 1,381,103 |
| 04501 | Northern Michigan University | 1,300,382 |
| 03201 | Oakland University | 1,309,677 |
| 05001 | Saginaw Valley State University | 684,864 |
| 05501 | University of Michigan - Ann Arbor | 9,089,481 |

05801	University of Michigan - Dearborn	699,864
05701	University of Michigan - Flint	601,730
06501	Wayne State University	6,341,406
06001	Western Michigan University	3,142,073
03301	Agricultural experiment station	921,259
03401	Cooperative extension service	794,601
03101	Japan center for Michigan universities	7,633
07002	Higher education database modernization and conversion	6,250
07350	Select student supportive services	54,339
07352	Michigan college/university partnership program	16,302
07368	Morris Hood, Jr. educator development program	4,128
03510	State competitive scholarships	826,403
03512	Tuition grants	1,652,580
03514	Michigan work-study program	200,404
03516	Part-time independent student program	72,578
03518	Grant for Michigan resident dental graduates	126,313
03520	Grant for general degree graduates	154,610
03522	Grant for allied health graduates	23,379
03526	Michigan education opportunity grants	57,010
		45,306,783

- b. Amend subsection (1) of Section 401 of Act No. 144 of the Public Acts of 2002 as follows:

Sec. 401. (1) Included in part 1 is ~~\$6,356,023.00~~ \$6,197,115.00 to Wayne State University for the Joseph F. Young, Sr. psychiatric research and training program. Wayne State University shall use these funds for psychiatric laboratory and clinical research, training, and treatment services. Within the available appropriation, services shall not be denied to any patient who meets established research guidelines for treatment on the basis of personal financial circumstances, age, geographic residence, or projected/actual length of treatment as medically warranted.

- c. Amend subsection (1) of Section 433 of Act No. 144 of the Public Acts of 2002 as follows:

Sec. 433. (1) Included in part 1 is ~~\$3,281,500.00~~ \$3,199,459.00 for the agricultural experiment station and ~~\$2,910,000.00~~ \$2,837,247.00 for the cooperative extension service for project GREEN. Project GREEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. 'GREEN' is an acronym for generating research and extension to meet environmental and economic needs.

16. Department of History, Arts and Libraries

The 2.5 percent reduction in general fund appropriations for the Department of History, Arts and Libraries shall not reduce the appropriation for Renaissance Zone Tax Reimbursement funding.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$1,522,400.00, shall be conducted pursuant to section 261, 2002 PA 523.

17. Department of Management and Budget

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$1,100,900.00, shall be conducted pursuant to section 216, 2002 PA 528.

In order to meet the general fund reduction, the Department of Management and Budget may reduce building occupancy and parking expenditures. The State Budget Director is hereby authorized to take any and all actions necessary to adjust restricted revenue reductions and general fund reductions for the Department of Management and Budget.

18. Michigan Strategic Fund

The reduction in general fund appropriations for the Michigan Strategic Fund is in an amount equal to \$3,000,000.00.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$3,000,000.00, shall be conducted pursuant to section 261, 2002 PA 517.

19. Department of Military and Veterans Affairs

The reduction in general fund appropriations for the Department of Military and Veterans Affairs is in an amount equal to 1.0 percent of the total general fund-general purpose appropriation.

The 1.0 percent reduction in general fund appropriations for the Department of Military and Veterans Affairs shall not reduce funding to Veterans Service Organizations nor to veterans homes.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$400,800.00, shall be conducted pursuant to section 261, 2002 PA 514.

20. Department of Natural Resources

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$1,095,600.00, shall be conducted pursuant to section 1301, 2002 PA 525.

The Department of Natural Resources may reduce restricted revenue appropriations authorized in a prior fiscal year in order to meet the general fund reduction amount. The State Budget Director is hereby authorized to take any and all actions necessary to adjust restricted revenue reductions and general fund reductions for the Department of Natural Resources.

21. Department of State

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$424,200.00, shall be conducted pursuant to section 216, 2002 PA 528.

22. Department of State Police

The reduction in general fund appropriations for the Department of State Police is in an amount equal to 1.5 percent of the total general fund-general purpose appropriation.

The 1.5 percent reduction in general fund appropriations for the Department of State Police shall not result in the layoff of state troopers.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$4,305,700.00, shall be conducted pursuant to section 261, 2002 PA 526.

23. Department of Treasury**a. Appropriation**

<u>Number</u>	<u>Item</u>	<u>Reduction Amount</u>
09476	Grants to local governmental units	9,900,000
08330	Quality of life bond	40,000,000
		49,900,000

b. In addition, the 2.5 percent reduction in general fund appropriations for the Department of Treasury shall not reduce the appropriation for Debt Service obligations.

Appropriation authorization adjustments required to implement general fund expenditure reductions of \$1,289,900.00, shall be conducted pursuant to section 216, 2002 PA 528.

D. The following general fund-general purpose amounts from work project accounts, totaling \$ 3,397,500.00, are hereby reduced:

<u>Appropriation Number (Appropriation Year)</u>	<u>Item</u>	<u>Reduction Amount</u>
02072 (AY 01)	Department of Corrections	
	New employee training program	1,998,800
04138 (AY 95)	Department of Corrections	
	Workload automation and imaging	1,398,700
		3,397,500

E. Portions of appropriations financed with special purpose revenue amounting to \$106,810,500.00 contained in the following public acts are hereby reduced.

<u>Public Act</u>	<u>Department</u>	<u>Reduction Amount</u>
2002 PA 144	Higher Education	50,000,000
2002 PA 56	Transportation	3,710,500
2002 PA 528	Treasury	53,100,000
		106,810,500

F. The reduction totals for the department and agencies in Section E include the following appropriation items or are predicated upon the following actions:

1. Higher Education

<u>Appropriation Number</u>	<u>Item</u>	<u>Reduction Amount</u>
80000	Michigan merit award program	50,000,000

2. Department of Transportation

<u>Appropriation Number</u>	<u>Item</u>	<u>Reduction Amount</u>
00023	Fire protection grants	3,710,500

3. Department of Treasury

<u>Appropriation Number</u>	<u>Item</u>	<u>Reduction Amount</u>
09466	Statutory state general revenue sharing grants	53,100,000

The State Budget Director is hereby authorized to take any and all actions necessary to implement the provisions of this order so that expenditures authorized by appropriations shall be reduced as specified above for the fiscal year October 1, 2002 to September 30, 2003.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 5th day of December, in the Year of Our Lord, Two Thousand Two.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

The Executive Order was referred to the Secretary for record.

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

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having assumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5999, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 1986 PA 318.

House Bill No. 5680, entitled

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 5, 6, and 7 (MCL 331.5, 331.6, and 331.7), section 5 as amended by 1984 PA 17 and section 7 as amended by 1983 PA 78.

House Bill No. 5728, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20h (MCL 38.1140h), as amended by 1996 PA 485, and by adding section 20m.

House Bill No. 5730, entitled

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1998 PA 502.

House Bill No. 6333, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16105, 16106, 16108, 16128, 16163, 16174, 16186, 16226, 16261, 16323, 16608, and 17031 (MCL 333.16105, 333.16106, 333.16108, 333.16128, 333.16163, 333.16174, 333.16186, 333.16226, 333.16261, 333.16323, 333.16608, and 333.17031), section 16106 as amended by 1997 PA 153, section 16108 as amended and section 16323 as added by 1993 PA 80, section 16174 as amended by 1998 PA 227, section 16186 as amended by 2002 PA 441, section 16226 as amended by 2000 PA 29, section 16608 as amended by 1990 PA 216, and section 17031 as amended by 1990 PA 248.

House Bill No. 6428, entitled

A bill to amend 1966 PA 28, entitled "An act to authorize the board of trustees of police and firemen or municipal employees retirement systems to increase benefits," by amending the title and sections 1 and 2 (MCL 38.571 and 38.572).

House Bill No. 5296, entitled

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

House Bill No. 5297, entitled

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

House Bill No. 6448, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1202 (MCL 500.1202), as amended by 2001 PA 228, and by adding section 402c.

House Bill No. 6256, entitled

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending the title and sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 17, 19, 21, 22, 23, and 24 (MCL 290.652, 290.653, 290.654, 290.655, 290.657, 290.658, 290.659, 290.660, 290.661, 290.667, 290.669, 290.671, 290.672, 290.673, and 290.674), sections 2, 3, 5, 7, 9, 10, 21, and 22 as amended by 1996 PA 216, section 8 as amended by 1997 PA 20, and sections 19, 23, and 24 as amended by 1980 PA 196; and to repeal acts and parts of acts.

House Bill No. 6447, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8001, 8003, 8005, and 8011 (MCL 600.8001, 600.8003, 600.8005, and 600.8011), as added by 2001 PA 262.

House Bill No. 5456, entitled

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

House Bill No. 5465, entitled

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

House Bill No. 4007, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2001 PA 3.

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

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

House Bill No. 5371, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 11b.

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

1. Amend page 2, line 1, after "AND" by inserting "GENERAL".

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

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

House Bill No. 5372, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 3, 7, and 8a (MCL 722.622, 722.623, 722.627, and 722.628a), sections 2 and 7 as amended by 2000 PA 45, section 3 as amended by 2002 PA 10, and section 8a as added by 1992 PA 39.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5984, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 3, and 11 (MCL 722.622, 722.623, and 722.631), section 2 as amended by 2000 PA 45 and section 3 as amended by 2002 PA 10.

Substitute (S-1).

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

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

"(A) "ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A CHILD" MEANS AN ADULT FOSTER CARE FAMILY HOME OR ADULT FOSTER CARE SMALL GROUP HOME AS DEFINED IN SECTION 3 OF THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.703, IN WHICH A CHILD IS PLACED IN ACCORDANCE WITH SECTION 5 OF 1973 PA 116, MCL 722.115." and relettering the remaining subdivisions.

2. Amend page 2, line 1, after "department" by striking out "pursuant to" and inserting "UNDER".

3. Amend page 2, following line 17, by inserting:

"(G) "CHILD CARE ORGANIZATION" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1973 PA 116, MCL 722.111.

(H) "CHILD CARE PROVIDER" MEANS AN OWNER, OPERATOR, EMPLOYEE, OR VOLUNTEER OF A CHILD CARE ORGANIZATION OR OF AN ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A CHILD.

(I) "CHILD CARE REGULATORY AGENCY" MEANS THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES OR A SUCCESSOR STATE DEPARTMENT THAT IS RESPONSIBLE FOR THE LICENSING OR REGISTRATION OF CHILD CARE ORGANIZATIONS OR THE LICENSING OF ADULT FOSTER CARE LOCATIONS AUTHORIZED TO CARE FOR A CHILD." and relettering the remaining subdivisions.

4. Amend page 4, line 18, after "or" by striking out "unlicensed" and inserting "REGISTERED".

5. Amend page 4, line 18, after "organization" by striking out the balance of the subparagraph and inserting a period.

6. Amend page 9, line 23, after "OCCURRED." by inserting "IF AN ALLEGATION, WRITTEN REPORT, OR SUBSEQUENT INVESTIGATION INDICATES THAT THE INDIVIDUAL WHO COMMITTED THE SUSPECTED ABUSE OR NEGLECT IS A CHILD CARE PROVIDER AND THE DEPARTMENT BELIEVES THAT THE REPORT HAS BASIS IN FACT, THE DEPARTMENT SHALL TRANSMIT A COPY OF THE WRITTEN REPORT OR THE RESULTS OF THE INVESTIGATION TO THE CHILD CARE REGULATORY AGENCY WITH AUTHORITY OVER THE CHILD CARE PROVIDER'S CHILD CARE ORGANIZATION OR ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A CHILD."

7. Amend page 10, line 6, after "(1)(A)." by inserting "IF AN ALLEGATION, WRITTEN REPORT, OR SUBSEQUENT INVESTIGATION INDICATES THAT THE INDIVIDUAL WHO COMMITTED THE SUSPECTED ABUSE OR NEGLECT IS A CHILD CARE PROVIDER AND THE LOCAL LAW ENFORCEMENT AGENCY BELIEVES THAT THE REPORT HAS BASIS IN FACT, THE LOCAL LAW ENFORCEMENT AGENCY SHALL TRANSMIT A COPY OF THE WRITTEN REPORT OR THE RESULTS OF THE INVESTIGATION TO THE CHILD CARE REGULATORY AGENCY WITH AUTHORITY OVER THE CHILD CARE PROVIDER'S CHILD CARE ORGANIZATION OR ADULT FOSTER CARE LOCATION AUTHORIZED TO CARE FOR A CHILD."

8. Amend page 10, line 13, by striking out "shall be" and inserting "IS".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5743, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2000 PA 284, and by adding section 7gg.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5947, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 2000 PA 364.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5540, entitled

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 16 (MCL 567.236).
Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5729, entitled

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 4 (MCL 141.424), as amended by 2000 PA 493.

Substitute (S-1).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5049, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279a.
Substitute (S-2).

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

1. Amend page 1, line 5, after "TREASURY" by inserting "OR ANY OTHER STATE AGENCY".

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5291, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 22, and 35 of chapter XVII (MCL 777.1, 777.22, and 777.35), section 1 as amended by 2002 PA 34, section 22 as amended by 2002 PA 143, and section 35 as amended by 2000 PA 279.

Substitute (S-1).

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

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

Sec. 1a. (1) A magistrate shall issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual accused in the complaint committed that offense. The complaint shall be sworn to before a magistrate or clerk.

(2) The finding of reasonable cause by the magistrate may be based upon 1 or more of the following:

(a) Factual allegations of the complainant contained in the complaint.

(b) The complainant's sworn testimony.

(c) The complainant's affidavit.

(d) Any supplemental sworn testimony or affidavits of other individuals presented by the complainant or required by the magistrate.

(3) The magistrate may require sworn testimony of the complainant or other individuals. Supplemental affidavits may be sworn to before an individual authorized by law to administer oaths. The factual allegations contained in the complaint, testimony, or affidavits may be based upon personal knowledge, information and belief, or both.

(4) The magistrate shall not refuse to accept a complaint alleging a violation of section 81 or 81a of the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, being sections 750.81 and 750.81a of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.81 AND 750.81A, or a violation of a local ordinance substantially corresponding to section 81 of ~~Act No. 328 of the Public Acts of 1931~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81, by the spouse of the victim, a former spouse of the victim, an individual with whom the victim has had a child in common, AN INDIVIDUAL WITH WHOM THE VICTIM HAS OR HAS HAD A DATING RELATIONSHIP, or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim.

(5) A warrant may be issued under this section only upon compliance with the requirements of section 1 of this chapter.

(6) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

CHAPTER IX

Sec. 16a. (1) Except as otherwise provided in subsection (3), upon final disposition of an original charge against a person of a felony or a misdemeanor for which the maximum possible penalty exceeds 92 days' imprisonment or a local ordinance for which the maximum possible penalty is 93 days' imprisonment and that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum possible penalty is 93 days' imprisonment, or a misdemeanor in a case in which the appropriate court was notified that fingerprints were forwarded to the department of state police, or upon final disposition of a charge of criminal contempt under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or final disposition of a charge of criminal contempt for violating a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i, the clerk of the court entering the disposition shall immediately report to the department of state police the final disposition of the charge on forms approved by the state court administrator and in a manner consistent with section 3 of 1925 PA 289, MCL 28.243. The report to the department of state police shall include the finding of the judge or jury, including a finding of guilty, guilty but mentally ill, not guilty, or not guilty by reason of insanity, or the person's plea of guilty, nolo contendere, or guilty but mentally ill; if the person was convicted, the offense of which the person was convicted; and a summary of any sentence imposed. The summary of the sentence shall include any probationary term; any minimum, maximum, or alternative term of imprisonment; the total of all fines, costs, and restitution ordered; and any modification of sentence. The report shall include the sentence if imposed under any of the following:

- (a) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411.
- (b) Sections 11 to 15 of chapter II.
- (c) Section 4a of chapter IX.

(2) Upon sentencing a person convicted of a misdemeanor or of a violation of a local ordinance, other than a misdemeanor or local ordinance described in subsection (1), the clerk of the court imposing sentence immediately shall, if ordered by the court, advise the department of state police of the conviction on forms approved by the state court administrator.

(3) Except as otherwise provided in subsections (4) and (6), the clerk of a court shall not report a conviction of a misdemeanor offense under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a local ordinance substantially corresponding to a provision of that act unless 1 or more of the following apply:

- (a) The offense is punishable by imprisonment for more than 92 days.
- (b) The offense is an offense that would be punishable by more than 92 days as a second conviction.
- (c) A judge of the court orders the clerk to report the conviction.

(4) Unless ordered by the court, the clerk of a court is not required to report a conviction of a misdemeanor offense for a violation of section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.904, or a local ordinance substantially corresponding to section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, MCL 257.904.

(5) As part of the sentence for a conviction of an offense described in ~~subsection (2)~~ THIS SECTION, if fingerprints have not already been taken, the court shall order that the fingerprints of the person convicted be taken and forwarded to the department of state police.

(6) As part of the sentence for a conviction of a listed offense as defined in section 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722, the court shall order that the fingerprints of the person convicted be taken and forwarded as provided in the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732, if fingerprints have not already been taken and forwarded as provided in that act.

(7) Within 21 days after the date a person licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, is convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance or a felony, the clerk of the court entering the conviction shall report the conviction to the department of consumer and industry services on a form prescribed and furnished by that department.

CHAPTER XVI

Sec. 22. (1) Each police agency in this state shall, by January 1, 1995, develop, adopt, and implement written policies for police officers responding to domestic violence calls. The policies shall reflect that domestic violence is criminal conduct.

(2) Each police agency shall consult with the prosecuting attorney and with an area shelter for victims of domestic violence in the development, implementation, including training, and evaluation of the policies and standards.

(3) The policies shall address, but not be limited to addressing, all of the following:

- (a) Procedures for conducting a criminal investigation with specific standards for misdemeanor and felony arrests.
- (b) Procedures for making a criminal arrest. The procedures shall emphasize all of the following:

(i) In most circumstances, an officer should arrest and take an individual into custody if the officer has probable cause to believe the individual is committing or has committed domestic violence and his or her actions constitute a crime.

(ii) When the officer has probable cause to believe spouses, former spouses, individuals who have had a child in common, INDIVIDUALS WHO HAVE OR HAVE HAD A DATING RELATIONSHIP, or other individuals who reside together or formerly resided together are committing or have committed crimes against each other, the officer, when determining whether to make an arrest of 1 or both individuals, should consider the intent of this section to protect victims of domestic violence, the degree of injury inflicted on the individuals involved, the extent to which the individuals have been put in fear of physical injury to themselves or other members of the household, and any history of domestic violence between the individuals, if that history can reasonably be ascertained by the officer. In addition, the officer should not arrest an individual if the officer has reasonable cause to believe the individual was acting in lawful self-defense or in lawful defense of another individual.

(iii) A police officer's decision as to whether to arrest an individual should not be based solely on the consent of the victim to any subsequent prosecution or on the relationship of the individuals involved in the incident.

(iv) A police officer's decision not to arrest an individual should not be based solely upon the absence of visible indications of injury or impairment.

(c) Procedures for denial of interim bond, as provided in 1961 PA 44, MCL 780.581 to 780.588.

(d) Procedures for verifying a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a.

(e) Procedures for making an arrest for a violation of a personal protection order.

(f) Procedures for enforcing a valid foreign protection order.

(g) Procedures for providing or arranging for emergency assistance to victims including, but not limited to, medical care, transportation to a shelter, or remaining at the scene of an alleged incident of domestic violence for a reasonable time until, in the reasonable judgment of the police officer, the likelihood of further imminent violence has been eliminated.

(h) Procedures for informing the victim of community services and legal options that are available pursuant to section 15c of chapter IV of this act.

(i) Procedures for preparing a written report, whether or not an arrest is made.

(j) Training of peace officers, dispatchers, and supervisors.

(k) Discipline for noncompliance with the policy.

(l) Annual evaluations of the policy.

(4) The local policies developed, adopted, and implemented pursuant to this section shall be in writing and shall be available to the public upon request.

(5) As used in this section:

(A) "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

(B) ~~(a)~~ "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(C) ~~(b)~~ "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i."

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

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

House Bill No. 5858, entitled

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

Substitute (S-2).

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

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

House Bill No. 6079, entitled

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 16, 25, 33, 34, 44, 45, 50c, 57, 60, 64, 90c, 113, 114, 123, 125, 138, 140, 149, 150, 151, 153, 172, 173, 183, 184, 191, 192, 197a, 215, 217, 217c, 219, 220, 240, 263, 264, 287, 288, 294, 295, 298, 301, 302, 304, 305, 306, 314, 330, 331, 335, 335a, 354, 359, 368, 371, 375, 389, 393, 404, 407, 408, 410, 411a, 411d, 414, 428, 429, 430, 454, 466, 478, 482, 490a, 492, 502b, 508, 509, 519, 524, 537, 538, 540e, 540f, and 561 (MCL 750.16, 750.25, 750.33, 750.34, 750.44, 750.45, 750.50c, 750.57, 750.60, 750.64, 750.90c, 750.113, 750.114, 750.123, 750.125, 750.138, 750.140, 750.149, 750.150, 750.151, 750.153, 750.172, 750.173, 750.183, 750.184, 750.191, 750.192, 750.197a, 750.215, 750.217, 750.217c, 750.219, 750.220,

750.240, 750.263, 750.264, 750.287, 750.288, 750.294, 750.295, 750.298, 750.301, 750.302, 750.304, 750.305, 750.306, 750.314, 750.330, 750.331, 750.335, 750.335a, 750.354, 750.359, 750.368, 750.371, 750.375, 750.389, 750.393, 750.404, 750.407, 750.408, 750.410, 750.411a, 750.411d, 750.414, 750.428, 750.429, 750.430, 750.454, 750.466, 750.478, 750.482, 750.490a, 750.492, 750.502b, 750.508, 750.509, 750.519, 750.524, 750.537, 750.538, 750.540e, 750.540f, and 750.561), section 50c as added by 1994 PA 336, section 90c as amended by 2001 PA 1, section 125 as amended by 1999 PA 251, sections 215, 371, 524, 537, and 538 as amended by 1991 PA 145, section 217c as added and section 368 as amended by 1998 PA 360, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540e as amended by 1988 PA 395, and section 540f as added by 1996 PA 333.

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

1. Amend page 46, following line 15, by inserting:

~~“Sec. 396. Wearing masks or face coverings in public—Any person who shall assemble, march or parade on any street, highway or public place in this state while wearing a mask or covering which conceals in whole or in part, the face of the wearer, shall be guilty of a misdemeanor: Provided, This chapter shall not apply to the pranks of children on Halloween, to those going to and from masquerade parties, to those participating in any public parade of an educational, religious or historical character and to those participating in the parades of minstrel troupes, circuses or other amusement or dramatic shows. A PERSON WHO INTENTIONALLY CONCEALS HIS OR HER IDENTITY BY WEARING A MASK OR OTHER DEVICE COVERING HIS OR HER FACE FOR THE PURPOSE OF FACILITATING THE COMMISSION OF A CRIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.”~~

2. Amend page 62, line 19, by striking out all of section 540e.

3. Amend page 66, following line 17, by striking out all of enacting section 1.

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

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

House Bill No. 5403, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4 (MCL 208.4), as amended by 1999 PA 115.

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

1. Amend page 3, line 8, after “DECEMBER 31,” by striking out “2001” and inserting “2003”.

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

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

House Bill No. 4607, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” (MCL 500.100 to 500.8302) by adding section 2213c.

Substitute (S-1).

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

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

House Bill No. 6327, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 2409, 2409a, and 2409c (MCL 500.2409, 500.2409a, and 500.2409c), sections 2409 and 2409a as amended by 1993 PA 200 and section 2409c as added by 1986 PA 318.

Substitute (S-1).

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

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

House Bill No. 6260, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 601 and 841 (MCL 600.601 and 600.841), section 601 as amended by 1996 PA 388 and section 841 as amended by 2000 PA 56, and by adding chapter 4 and section 8304.

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

1. Amend page 5, line 13, after “THE” by striking out the balance of the line through the second “JUDGE” on line 14 and inserting “CIRCUIT JUDGES, THE PROBATE JUDGES, AND THE DISTRICT JUDGES”.

2. Amend page 7, line 2, after the first “CHAPTER” by striking out “OR CHAPTER 10”.

3. Amend page 7, line 11, after “JURISDICTION” by striking out the balance of the section and inserting “MAY INCLUDE A FAMILY COURT PLAN AS PROVIDED IN CHAPTER 10.”.

4. Amend page 7, following line 21, by inserting:

“SEC. 425. NOT LATER THAN 30 DAYS BEFORE A PROPOSED PLAN OF CONCURRENT JURISDICTION UNDER THIS CHAPTER IS SUBMITTED TO THE SUPREME COURT FOR APPROVAL, THE PLAN SHALL BE SUBMITTED TO THE LOCAL FUNDING UNIT OR UNITS FOR THEIR REVIEW OF THE PLAN’S FINANCIAL IMPLICATIONS. CONSISTENT WITH ARTICLE VII, SECTION 8 OF THE STATE CONSTITUTION OF 1963, THE COST OF IMPLEMENTING A PLAN OF CONCURRENT JURISDICTION IS SUBJECT TO APPROVAL BY THE FUNDING UNIT OR UNITS THROUGH THE FUNDING UNITS’ BUDGETING PROCESS.”.

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

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

House Bill No. 6128, entitled

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.10cc) by adding sections 9 and 9b.

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

1. Amend page 6, following line 15, by inserting:

“Sec. 10a. (1) ~~No later than January 1, 2002, the~~ THE commission shall issue orders establishing the rates, terms, and conditions of service that allow all retail customers of an electric utility or provider to choose an alternative electric supplier. The orders shall provide for full recovery of a utility’s net stranded costs and implementation costs as determined by the commission.

(2) The commission shall issue orders establishing a licensing procedure for all alternative electric suppliers. To ensure adequate service to customers in this state, the commission shall require that an alternative electric supplier maintain an office within ~~Michigan, shall~~ THIS STATE, assure that an alternative electric supplier has the necessary financial, managerial, and technical capabilities, ~~shall~~ require that an alternative electric supplier maintain records which the commission considers necessary, and ~~shall~~ ensure an alternative electric supplier’s accessibility to the commission, to consumers, and to electric utilities in this state. The commission also shall require alternative electric suppliers to agree that they will collect and remit to local units of government all applicable users, sales, and use taxes. An alternative electric supplier is not required to obtain any certificate, license, or authorization from the commission other than as required by this act.

(3) The commission shall issue orders to ensure that customers in this state are not switched to another supplier or billed for any services without the customer’s consent.

(4) ~~Within 180 days after the effective date of the amendatory act that added this section, the~~ THE commission shall establish a code of conduct that shall apply to all electric utilities. The code of conduct shall include, but is not limited to, measures to prevent cross-subsidization, information sharing, and preferential treatment, between a utility’s regulated and unregulated services, whether those services are provided by the utility or the utility’s affiliated entities. The code of conduct established under this subsection shall also be applicable to electric utilities and alternative electric suppliers consistent with section 10, this section, and sections 10b through ~~10bb~~ 10CC. THE CODE OF CONDUCT ESTABLISHED UNDER THIS SUBSECTION DOES NOT TAKE EFFECT UNTIL APRIL 1, 2004.

(5) The orders issued by the commission before ~~the effective date of the amendatory act that added this section~~ JUNE 5, 2000 that allow customers of an electric utility to choose an alternative electric supplier, including orders that determine and authorize recovery of net stranded costs and implementation costs and that confirm any voluntary commitments of electric utilities, are in compliance with this act and enforceable by the commission. An electric utility that has not had voluntary commitments to provide customer choice previously approved by orders of the commission

shall file a restructuring plan to allow customers to choose an alternative electric supplier no later than the date ordered by the commission. The plan shall propose a methodology to determine the electric utility's net stranded costs and implementation costs.

(6) This act does not prohibit or limit the right of a person to obtain self-service power, and it does not impose a transition, implementation, exit fee, or any other similar charge on self-service power. A person using self-service power is not an electric supplier, electric utility, or a person conducting an electric utility business. As used in this subsection, "self-service power" means any of the following:

(a) Electricity generated and consumed at an industrial site or contiguous industrial site or single commercial establishment or single residence without the use of an electric utility's transmission and distribution system.

(b) Electricity generated primarily by the use of by-product fuels, including waste water solids, and the electricity is consumed as part of a contiguous facility, with the use of an electric utility's transmission and distribution system, but only if the point or points of receipt of the power within the facility are not greater than 3 miles distant from the point of generation.

(c) A site or facility with load existing on ~~the effective date of the amendatory act~~ JUNE 5, 2000 that added this section that is divided by an inland body of water or by a public highway, road, or street but that otherwise meets this definition meets the contiguous requirement of this subdivision regardless of whether self-service power was being generated on ~~the effective date of the amendatory act that added this section~~ JUNE 5, 2000.

(d) A commercial or industrial facility or single residence that meets the requirements of subdivision (a) or (b) meets this definition whether or not the generation facility is owned by an entity different from the owner of the commercial or industrial site or single residence.

(7) This act does not prohibit or limit the right of a person to engage in affiliate wheeling and does not impose a transition, implementation, exit fee, or any other similar charge on a person engaged in affiliate wheeling. As used in this section:

(a) "Affiliate" means a person or entity that directly, or indirectly through 1 or more intermediates, controls, is controlled by, or is under common control with another specified entity. As used in this subdivision, "control" means, whether through an ownership, beneficial, contractual, or equitable interest, the possession, directly or indirectly, of the power to direct or to cause the direction of the management or policies of a person or entity or the ownership of at least 7% of an entity either directly or indirectly.

(b) "Affiliate wheeling" means a person's use of direct access service where an electric utility delivers electricity generated at a person's industrial site to that person or that person's affiliate at a location, or general aggregated locations, within this state that was either 1 of the following:

(i) For at least 90 days during the period from January 1, 1996 to October 1, 1999, supplied by self-service power, but only to the extent of the capacity reserved or load served by self-service power during the period.

(ii) Capable of being supplied by a person's cogeneration capacity within this state that has had since January 1, 1996 a rated capacity of 15 megawatts or less, was placed in service before December 31, 1975, and has been in continuous service since that date. A person engaging in affiliate wheeling is not an electric supplier, an electric utility, or conducting an electric utility business when a person engages in affiliate wheeling.

(8) The rights of parties to existing contracts and agreements in effect as of January 1, 2000 between electric utilities and qualifying facilities, including the right to have the charges recovered from the customers of an electric utility, or its successor, shall not be abrogated, increased, or diminished by this act, nor shall the receipt of any proceeds of the securitization bonds by an electric utility be a basis for any regulatory disallowance. Further, any securitization or financing order issued by the commission that relates to a qualifying facility's power purchase contract shall fully consider that qualifying facility's legal and financial interests.

(9) The commission shall, after a contested case proceeding, issue annually an order approving for each electric utility a true-up adjustment to reconcile any overcollections or undercollections of the preceding 12 months to ensure the recovery of all amounts of net stranded costs. The rates for customers remaining with an incumbent electric utility will not be affected by the true-up process under this subsection. The commission shall review the electric utility's stranded cost recovery charges and securitization charges implemented for the preceding 12 months, and adjust the stranded cost recovery charge, by way of supplemental surcharges or credits, to allow the netting of stranded costs.

(10) The commission shall consider the reasonableness and appropriateness of various methods to determine net stranded costs, including, but not limited to, all of the following:

(a) Evaluating the relationship of market value to the net book value of generation assets and purchased power contracts.

(b) Evaluating net stranded costs based on the market price of power in relation to prices assumed by the commission in prior orders.

(c) Any other method the commission considers appropriate.

(11) The true-up adjustment adopted under subsection (9) shall not result in a modification to the securitization charge. The commission shall not adjust or change in any manner securitization charges authorized by the commission in a financing order issued under section 10i as a result of its review and any action taken under subsection (9).

(12) After the time period described in section 10d(2), the rates for retail customers that remain with or leave and later return to the incumbent electric utility shall be determined in the same manner as the rates were determined before ~~the effective date of this section~~ JUNE 5, 2000.”.

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

During the Committee of the Whole, Senator Young entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the Committee on Natural Resources and Environmental Affairs be discharged from further consideration of the following bill:

House Bill No. 6219, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80166 (MCL 324.80166), as added by 1995 PA 58, and by adding section 80166a.

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

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

House Bill No. 6496, entitled

A bill to authorize and regulate electronic transactions of public funds involving local units of government; and to provide for powers and duties of certain governmental agencies and officials.

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

Senator Emmons moved that the following bills and joint resolution be referred to the Committee on Government Operations:

Senate Bill No. 1240

Senate Bill No. 1030

Senate Bill No. 1031

Senate Bill No. 1036

Senate Joint Resolution D

The motion prevailed.

Senator Emmons moved that the following bills be referred to the Committee on Banking and Financial Institutions:

Senate Bill No. 503

Senate Bill No. 708

Senate Bill No. 709

Senate Bill No. 710

Senate Bill No. 711

Senate Bill No. 712

Senate Bill No. 713

Senate Bill No. 714

The motion prevailed.

Senator Emmons moved that the following bills be referred to the Committee on Appropriations:

Senate Bill No. 750

Senate Bill No. 1128

Senate Bill No. 1255

Senate Bill No. 1520

The motion prevailed.

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

Senate Bill No. 1312

Senate Bill No. 618

Senate Bill No. 611

The motion prevailed.

Senator Emmons moved that the following bills be referred to the Committee on Finance:

Senate Bill No. 1317

Senate Bill No. 1321

Senate Bill No. 1369

Senate Bill No. 1501

Senate Bill No. 1502

Senate Bill No. 1503

Senate Bill No. 1504

Senate Bill No. 1445

The motion prevailed.

Senator Emmons moved that the following bill be referred to the Committee on Judiciary:

Senate Bill No. 1497

The motion prevailed.

Senator Emmons moved that the following bills be referred to the Committee on Health Policy:

Senate Bill No. 629

Senate Bill No. 630

The motion prevailed.

By unanimous consent the Senate return to the order of

Third Reading of Bills

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

House Bill No. 4352

The motion prevailed.

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:

Last week, Mr. Governor, we had a member who served in this body—a gentleman from the city of Hamtramck—served this body with great distinction from January 1, 1955, to December 31, 1974. He was a gentleman by the name of Stanley Rozycki. The reason I happen to have the privilege to know him, Mr. Governor, is he was a leader in the Polish community, and I represent Macomb County, home for a lot of residents of proud Polish heritage. Mr. Rozycki served this body with distinction for 20 years. His family was in the printing business for 100 years, and I think he was a great leader in Wayne County and a great leader in this body here.

I think that this body owes at least a moment of silence in Senator Rozycki's honor so that we show some respect for a man who served constituents in Wayne County, the state of Michigan, and demonstrated not only his leadership, but brought a lot of Polish heritage and culture to this body.

I hope that we would extend a moment of silence for a leader who passed away last week.

A moment of silence was observed in memory of former Senator Stanley Rozycki.

The following bill was read a third time:

House Bill No. 4352, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Bullard offered the following amendment:

1. Amend page 5, line 3, by striking out all of enacting section 2.

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

Senator Peters offered the following amendment:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:”, following section 217J, by inserting:

“SEC. 217K. (1) THE SECRETARY OF STATE SHALL DEVELOP UNDER SECTION 811E AND, UPON APPLICATION, MAY ISSUE UNDER SECTION 811F A STATE-SPONSORED “4 CHOICE” FUND-RAISING REGISTRATION PLATE AND A MATCHING STATE-SPONSORED “4 CHOICE” FUND-RAISING COLLECTOR PLATE AS PROVIDED UNDER SECTION 811G. THE PLATE SHALL HAVE THE WORDS “4 CHOICE” ON THE PLATE AND BE OF A DESIGN DETERMINED BY THE SECRETARY OF STATE.

(2) STATE-SPONSORED “4 CHOICE” FUND-RAISING REGISTRATION PLATE SERVICE FEES COLLECTED UNDER THIS SECTION BY THE SECRETARY OF STATE SHALL BE IDENTIFIED AND SEGREGATED BY THE SECRETARY OF STATE INTO A SEPARATE ACCOUNT. THE SECRETARY OF STATE SHALL ON A QUARTERLY BASIS TRANSFER THE BALANCE OF THE STATE-SPONSORED “4 CHOICE” FUND-RAISING REGISTRATION PLATE SERVICE FEES TO THE STATE TREASURER, WHO SHALL DO BOTH OF THE FOLLOWING:

(A) CREDIT \$20.00 OF THE DONATION RECEIVED UNDER SECTION 811F TO THE “4 CHOICE” FUND CREATED IN SECTION 217I.

(B) CREDIT \$5.00 OF THE DONATION RECEIVED UNDER SECTION 811F TO THE GENERAL FUND.

SEC. 217I. (1) THE “4 CHOICE” FUND IS CREATED WITHIN THE STATE TREASURY.

(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND INVESTMENTS.

(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(4) THE STATE TREASURER SHALL DISBURSE MONEY IN THE FUND ON A SEMIANNUAL BASIS TO EACH COUNTY IN PROPORTION TO THE AMOUNT OF DONATIONS RECEIVED FROM ISSUING “4 CHOICE” REGISTRATION PLATES IN EACH COUNTY.

(5) AS USED IN THIS SECTION, “FUND” MEANS THE “4 CHOICE” FUND CREATED IN SUBSECTION (1).

(6) EACH COUNTY SHALL DISTRIBUTE THE MONEY RECEIVED FROM THE SECRETARY OF STATE UNDER THIS SECTION ONLY TO A PLANNED PARENTHOOD OF MICHIGAN OFFICE WITHIN THE COUNTY OR AN ADJACENT COUNTY.”.

The question being on the adoption of the amendment,

Senator Emmons moved that further consideration of the bill be postponed for today.

The motion prevailed.

The following bill was read a third time:

House Bill No. 5363, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 213, 216, 217, 217c, 222, 226, 226a, 233b, 244, 248, 249, 251, and 251a (MCL 257.213, 257.216, 257.217, 257.217c, 257.222, 257.226, 257.226a, 257.233b, 257.244, 257.248, 257.249, 257.251, and 257.251a), section 216 as amended by 1996 PA 141, section 217 as amended by 2002 PA 552, sections 217c and 249 as amended by 1993 PA 300, sections 222 and 244 as amended by 2002 PA 485, section 226 as amended by 2000 PA 36, section 226a as amended by 1998 PA 384, section 233b as added by 1994 PA 305, section 248 as amended by 1999 PA 172, section 251 as amended by 2002 PA 491, and section 251a as added by 1990 PA 265.

The question being on the passage of the bill,

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

Roll Call No. 945

Yeas—35

Bennett
Bullard
Byrum

Garcia
Gast
Goschka

Leland
McCotter
McManus

Scott
Shugars
Sikkema

Cherry
DeBeaussaert
DeGrow
Dunaskiss
Emerson
Emmons

Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto

Miller
North
Peters
Sanborn
Schuette
Schwarz

Smith
Steil
Stille
Van Regenmorter
Young

Nays—0

Excused—3

Dingell

Murphy

Vaughn

Not Voting—0

In The Chair: President

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

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

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

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

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

House Bill No. 4092, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8122 (MCL 600.8122), as amended by 1988 PA 135, and by adding section 9938a.

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

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

House Bill No. 4330, entitled

A bill to amend 1999 PA 94, entitled “Michigan merit award scholarship act,” by amending sections 2, 7, and 8 (MCL 390.1452, 390.1457, and 390.1458), sections 7 and 8 as amended by 2002 PA 537.

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

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 4492, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending sections 11 and 13 (MCL 141.911 and 141.913), as amended by 1998 PA 532.

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

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 5035, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," (MCL 141.501 to 141.787) by adding section 10 to chapter 1 and section 65a to chapter 2.

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

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

House Bill No. 5149, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 1998 PA 311.

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

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

House Bill No. 5150, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

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

House Bill No. 5523, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 10c, 10h, 10l, and 10n (MCL 247.660c, 247.660h, 247.660l, and 247.660n), sections 10c and 10h as amended by 2002 PA 498, section 10l as amended by 1987 PA 234, and section 10n as amended by 2002 PA 329.

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

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

House Bill No. 5691, entitled

A bill to supplement appropriations for the department of community health for the fiscal year ending September 30, 2003; and to repeal acts and parts of acts.

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

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

House Bill No. 5829, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20180 (MCL 333.20180), as added by 1994 PA 52.

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

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

House Bill No. 5977, entitled

A bill to improve the training and education of local corrections officers; to provide for the certification of local corrections officers and the development of standards and requirements for local corrections officers; to provide for the creation of a sheriffs coordinating and training office and a local corrections advisory board; and to prescribe the powers and duties of certain local and state officers and agencies.

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

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

House Bill No. 5978, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," (MCL 801.1 to 801.27) by adding section 4b.

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

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

House Bill No. 6119, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 438.

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

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

House Bill No. 6120, entitled

A bill to establish the Amanda's fund for breast cancer research in the department of community health; to provide for the distribution of money from the fund; to prescribe the powers and duties of certain agencies and officials; and to provide for appropriations.

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

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

House Bill No. 6186, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 1 (MCL 28.421), as amended by 2000 PA 381.

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

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

House Bill No. 6234, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Huron county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6238, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 675e. The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 6338, entitled

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; and to repeal acts and parts of acts.

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

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

House Bill No. 6343, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5453, 5454, 5455, 5456, 5457, 5458, 5459, 5460, 5462, 5463, 5467, 5468, 5471, 5472, 5473a, 5475, 5476, and 5477 (MCL 333.5453, 333.5454, 333.5455, 333.5456, 333.5457, 333.5458, 333.5459, 333.5460, 333.5462, 333.5463, 333.5467, 333.5468, 333.5471, 333.5472, 333.5473a, 333.5475, 333.5476, and 333.5477), sections 5453, 5454, 5455, 5456, 5462, 5463, 5467, 5471, and 5476 as added by 1998 PA 220 and sections 5457, 5458, 5459, 5460, 5468, 5472, 5473a, 5475, and 5477 as added by 1998 PA 219.

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

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

House Bill No. 6356, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 178 and 634 (MCL 168.178 and 168.634), section 178 as amended by 1980 PA 261 and section 634 as amended by 1996 PA 583.

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

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

House Bill No. 6444, entitled

A bill to prescribe the Amber alert of Michigan as the official response to reports of child abductions.

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

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6445, entitled

A bill to provide for the broadcast of information concerning a child abduction on radio and television stations; and to prescribe the content of the information broadcast.

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

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended and that the bill be referred to the Committee of the Whole and placed on the order of General Orders.

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

House Bill No. 6491, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 602 (MCL 500.602), as amended by 1989 PA 35, and by adding section 603.

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

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

House Bill No. 6494, entitled

A bill to amend 2000 PA 251, entitled "Patient's right to independent review act," by amending sections 11, 13, 15, and 23 (MCL 550.1911, 550.1913, 550.1915, and 550.1923), as amended by 2000 PA 398.

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

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

House Bill No. 6495, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3580 (MCL 500.3580), as added by 2000 PA 249.

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

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

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 285

Senate Concurrent Resolution No. 77

Senate Concurrent Resolution No. 78

Senate Concurrent Resolution No. 79

Senate Concurrent Resolution No. 80

Senate Concurrent Resolution No. 81

Senate Concurrent Resolution No. 82

Senate Concurrent Resolution No. 83

Senate Concurrent Resolution No. 84

Senate Concurrent Resolution No. 85

House Concurrent Resolution No. 73

House Concurrent Resolution No. 74

House Concurrent Resolution No. 75

House Concurrent Resolution No. 76

House Concurrent Resolution No. 77

House Concurrent Resolution No. 78

House Concurrent Resolution No. 79

House Concurrent Resolution No. 80

House Concurrent Resolution No. 81

House Concurrent Resolution No. 82

House Concurrent Resolution No. 83

The resolution consent calendar was adopted.

Senator McCotter offered the following resolution:

Senate Resolution No. 285.

A resolution honoring the Detroit Catholic Central High School Football Team, 2002 Division 1 State Champions.

Whereas, Winning a state championship is the dream thousands of players and hundreds of teams strive towards; and

Whereas, For the 2002 season, the Shamrocks of Detroit Catholic Central High School began the year with memories of a state championship season in 2001 and a dedication to repeat as champions; and

Whereas, Throughout the season, the Shamrocks played with poise and determination while on their way to 13 wins and a single loss; and

Whereas, In the championship game, the Shamrocks had their best offensive showing of the season gaining 412 total yards and 22 first downs on their way to a 36-22 win against East Kentwood High School and a second straight Division 1 state football championship; and

Whereas, We are proud to commend the dedication of these student-athletes, their coaches, and trainer:

Head Coach Tom Mach

Drew Amble
Derek Brooks
Martinez Che
Sean Clemens

Greg Arrowsmith
Scott Buslawski
Andy Christenson
Ryan Connor

Ryan Ash
Dan Carravallah
Patrick Clark
Paul Cundiff

Ryan Danescu
 John Donovan
 Brian Gallagher
 Sean Griffin
 Isaac Hester
 Landon Langham
 Mike Mach
 Steve Mason
 Jeffrey McMichael
 Dan Moore
 Bill Musselman
 Matt Oeftering
 Aaron Pauling
 Nathan Rzeppa
 Sean Sharesstani
 Kevin Sullivan
 Eric Vojtkofsky

John DeMars
 Pat English
 Jason Gingell
 Brian Hanley
 Jason Horton
 Rob Lawrance
 Joe Marino
 Kevin McKee
 Randell Means
 John Mulroy
 Tim Noble
 Ken Parks
 Rich Robertson
 Joe Schiavi
 John Shefferly
 David Thomas
 Alex Wojcik

Maurizo DiGiandomenico
 Dan Fox
 Sean Giovanni
 Dave Herberholz
 Blake Kavanaugh
 Joe Mach
 Ryan Masel
 Ryan McKee
 Ryan Mehrer
 Tim Musial
 Ryan O'Connor
 Matt Pastula
 John Rybinski
 Scott Schwarzlose
 Kyle Smith
 Darnell Tyson
 Zach Zrull

Coaches

Rick Coratti
 George Kunec
 Joe Herman
 Todd Lackey

Roy Dudas
 Dan Anderson
 Aaron Babicz
 Brian Chaney

Mark Gagnon
 Joe English
 Mike Buentello

Trainer Bob Ogar

; and

Whereas, This achievement marks the eighth time a Detroit Catholic Central High School football team has won the state football championship; now, therefore, be it

Resolved by the Senate, That this legislative body, along with the people of the state of Michigan, congratulate and honor the Detroit Catholic Central High School Football Team as the 2002 Division 1 State Champions; and be it further

Resolved, That a copy of this resolution be transmitted to the team members and the coaching staff in tribute to a remarkable season.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 77.

A concurrent resolution honoring Colonel Michael D. Robinson (Retired), Director of the Michigan Department of State Police, January 25, 1991 – March 1, 2002.

Whereas, Colonel Michael D. Robinson is a native of Grand Rapids; and

Whereas, Colonel Robinson enlisted with the Michigan Department of State Police on April 14, 1968. During his service with the department, Colonel Robinson held the ranks of trooper, sergeant, lieutenant, first lieutenant, inspector, captain, major, and director; and

Whereas, Colonel Robinson served the Michigan Department of State Police and the citizens of Michigan for 34 years; and

Whereas, Governor John Engler appointed Colonel Robinson as director of the Michigan State Police on January 25, 1991, and he was the thirteenth director in the history of the department; and

Whereas, He served as president of the International Association of Chiefs of Police for the year 2000, an organization with 16,000 members in 96 countries; and

Whereas, Colonel Robinson served as chair of a presidential advisory committee on the Global Justice Information Network, a federal committee monitoring the development of a global network to share information within the criminal justice community across all levels of government—local, national, and international; and

Whereas, As state director of Emergency Management and the Governor's designated homeland security director, Colonel Robinson led the state's efforts to prevent, prepare for, and respond to the threats of terrorism; and

Whereas, Retiring from the Michigan Department of State Police on March 1, 2002, Colonel Robinson joined the newly formed Transportation Security Administration to aid in the nation's efforts to combat terrorism on the national level; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Colonel Michael D. Robinson, former Director of the Michigan Department of State Police; and be it further

Resolved, That a copy of this resolution be transmitted to Michael Robinson as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 78.

A concurrent resolution honoring Doug Rothwell, President and Chief Executive Officer of the Michigan Economic Development Corporation.

Whereas, Doug Rothwell is the President and Chief Executive Officer of the Michigan Economic Development Corporation (MEDC). He has been the leader of Michigan's economic development programs since April 1993, when Governor Engler appointed him to lead the Michigan Jobs Commission, a state department whose economic development duties have since been incorporated into the MEDC; and

Whereas, This public corporation was established through a partnership between the state and local Michigan communities to serve as the state's one-stop economic development organization. The MEDC is one of America's newest state economic development organizational models and has been named best state economic development organization by *Site Selection* magazine. It won the magazine's Governor's Cup in 1997, 1998, 1999, and 2000 for leading the nation in new or expanded site locations; and

Whereas, Coopers and Lybrand has named Michigan as having the best business attraction program in North America, and Deloitte & Touche has recognized Michigan as also having the largest and best business retention program in the U.S.; and

Whereas, Michigan's economic development programs developed under Doug Rothwell's leadership have received numerous awards for innovation, including those issued by the Innovations of American Government, the National Association of State Development Agencies, and Council for Urban Economic Development; and

Whereas, Doug was recipient of the CEO of the Year award by Automation Alley, the Outstanding Economic Developer of the Year award by the American Economic Development Council, and the Distinguished Service in State Government Award by the National Governors Association; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Doug Rothwell, President and Chief Executive Officer of the Michigan Economic Development Corporation; and be it further

Resolved, That a copy of this resolution be transmitted to Doug Rothwell as a token of our respect for his outstanding contributions to Michigan's economy.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 79.

A concurrent resolution honoring Bill Martin, Director of the Michigan Department of Corrections, January 1999 - March 2002.

Whereas, Bill Martin, with a distinguished record of public service, served Governor John Engler and the citizens of Michigan as the Director of the Michigan Department of Corrections from January 1999 to March 2002; and

Whereas, The Michigan Department of Corrections is a cabinet-level agency with an annual budget of \$1.6 billion and nearly 18,000 employees. The department is directly responsible for the custody and supervision of more than 121,000 convicted felons at 42 correctional facilities, 10 minimum-security camps, and more than 140 parole and probation field offices across the state; and

Whereas, Bill Martin focused on improving employee performance and morale as director of the department. He initiated a major leadership development training program and redirected the employee disciplinary process, which led to a substantial reduction in employee grievances from 1,900 at the pre-arbitration level to approximately 100. He also made prison security and safety a priority. During his directorship, Bill Martin put all state prisoners in uniforms to reduce assaults, thefts, extortion, and other criminal behavior. He continued to emphasize educational achievement, job training, and public service for prisoners; and

Whereas, Bill helped create the nationally recognized Prison Build Program, which helps low-income families acquire homes while giving offenders opportunities to learn valuable work skills and experience a structured re-entry into the community. For that work Bill Martin was honored in 1999 by Habitat for Humanity of Michigan as Public Official of the Year. He was also chosen to be a member of the first advisory board on prison partnerships for Habitat for Humanity International; and

Whereas, Prior to his appointment as director, Bill Martin served Michigan as the fifth commissioner of the Bureau of State Lottery, a post he held from January 1995 to January 1999. During those years, the bureau was named the top-performing lottery and second most efficient operation in the country by the International Gaming and Wagering Business. His other accomplishments included a change in instant-ticket sales that increased annual gross revenues from \$300 million to \$600 million, and creation, in partnership with the Illinois State Lottery, of the Big Game, a multi-state lottery which has increased ticket sales and provides more funding for Michigan's schools; and

Whereas, Bill Martin also served in the state House of Representatives from 1986 to 1995, representing the Battle Creek area. During the 1991-92 term, he served as assistant minority floor leader; during the 1993-94 term, he served as chairman of the House Committee on Insurance. Bill was chief sponsor of 25 pieces of legislation which became public acts, including exempting private sector pensions from the state income tax and a sweeping reform of no-fault automobile insurance. He also introduced a resolution making Michigan the enacting state for the 27th Amendment to the U.S. Constitution, sometimes called the congressional pay amendment, which bars Congress from granting itself pay raises in the middle of terms; and

Whereas, Bill Martin served in law enforcement for nine years as a trooper with the Michigan Department of State Police, during which he received a Meritorious Citation; and

Whereas, Bill served his country as a member of the U.S. Army with the 101st Airborne Division and the 509th Airborne Battalion, where he parachuted into Holland as a part of a special commemoration of the historic battle of "Operation Market Garden" of World War II; and

Whereas, Bill Martin's impressive background includes a bachelor's degree from Western Michigan University, where he graduated magna cum laude; and

Whereas, Being a devoted and loving family man, Bill and his wife Denise have raised two wonderful daughters, Brittany and Haley, and are partners in a family-owned business, Allegra Print and Imaging Centers of Battle Creek; and

Whereas, His family and all of Michigan salute Bill Martin for his dedication and service to his state, his country, and his commitment to excellence as Director of the Michigan Department of Corrections; and be it further

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Bill Martin, former Director of the Michigan Department of Corrections; and be it further

Resolved, That a copy of this resolution be transmitted to Bill Martin as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 80.

A concurrent resolution honoring Colonel Stephen D. Madden, Director of the Michigan Department of State Police.

Whereas, Colonel Stephen D. Madden is a native of Gladstone in Michigan's Upper Peninsula. He graduated from Bay de Noc Community College in 1971 and has attended Michigan State University and Central Michigan University; and

Whereas, He began his career with the Michigan Department of State Police in 1972, working as a cadet at the Ypsilanti Post. During his 30 years with the department, Colonel Madden has served as trooper, sergeant, lieutenant, first lieutenant, inspector, captain, deputy director, and director; and

Whereas, Colonel Madden is a graduate of the 142nd session of the Federal Bureau of Investigation National Academy. He is the recipient of two department Meritorious Service Awards from the Michigan State Police: one for handling an incident involving a barricaded gunman and the other for a hostage situation; and

Whereas, Colonel Madden was appointed to the cabinet-level position of director by Governor John Engler on March 1, 2002. He also serves as State Director of Emergency Management, Homeland Security Director, and State Fire Marshal; and

Whereas, Stephen D. Madden is the fourteenth director in the 85-year history of the department. While serving as Director of the Michigan Department of State Police, Colonel Madden has provided executive direction and leadership to more than 3,000 enlisted and civilian employees assigned to the department's bureaus, offices, divisions, districts, and work sites; and

Whereas, Colonel Madden is revered as a leader and innovator in the law enforcement profession—statewide, nationally, and internationally. He is respected throughout the department for not only his dedication to the Michigan State Police, but his care, concern, and commitment for all members of the agency; and

Whereas, He has been married to his wife Carolyn for 30 years, and they have two adult sons, David and Andrew; and

Whereas, Colonel Madden is widely respected as a state trooper, co-worker, husband, father, son, brother, and friend; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Colonel Stephen D. Madden, Director of the Michigan Department of State Police; and be it further

Resolved, That a copy of this resolution be transmitted to Colonel Madden as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 81.

A concurrent resolution honoring Dr. Douglas B. Roberts, State Treasurer.

Whereas, Dr. Douglas B. Roberts began his distinguished career of service to the state of Michigan as a legislative staff aide in 1972; and

Whereas, Dr. Roberts has made meaningful contributions to public policy in both the legislative and executive branches of state government; and

Whereas, During his 30 years in state government, Dr. Roberts has brought personal integrity to positions as Director of the Office of the State Employer, Deputy Director and Acting Director of the Department of Management and Budget, Deputy Superintendent of Public Instruction, Director of the Senate Fiscal Agency, and State Treasurer; and

Whereas, Dr. Douglas B. Roberts has served as a Special Policy Advisor to Governor John Engler; and

Whereas, He played a leading role in developing sweeping school finance reform in Michigan, including authoring the report *Our Kids Deserve Better!* Dr. Roberts also helped lead the effort to pass the landmark property tax/public school funding reform package known as Proposal A; and

Whereas, It is with great pride and respect that the Michigan Legislature join with the friends, family, and colleagues of Dr. Douglas B. Roberts in paying tribute to his three decades of service to the great state of Michigan. We wish him the very best in his future endeavors; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Dr. Douglas B. Roberts, State Treasurer; and be it further

Resolved, That a copy of this resolution be transmitted to Douglas Roberts as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 82.

A concurrent resolution honoring Dr. William M. Anderson, Director of the Michigan Department of History, Arts, and Libraries.

Whereas, Dr. William M. Anderson was appointed in 2001 as the Director of the Michigan Department of History, Arts, and Libraries (HAL), a new cabinet-level agency uniting the Michigan Historical Center, the Michigan Council for Arts and Cultural Affairs, the Library of Michigan, the Michigan Film Office, and the Mackinac Island State Park Commission, with an annual budget of \$72 million and approximately 300 employees; and

Whereas, Dr. Anderson brought to the agency a wealth of experience following a 33-year career in higher education, having served as an instructor, division chair, assistant to the president, dean of instruction, vice president, and 21 years as a college president at Carl Sandburg College in Galesburg, Illinois, and West Shore Community College near Ludington; and

Whereas, He has also enjoyed stints as a strategic planning consultant for industry, local units of government, economic development organizations, and schools, as well as a writer and a professional speaker; and

Whereas, Dr. Anderson's notable credentials include bachelor's and master's degrees in history and a doctorate in the administration of higher education, with a secondary concentration in speech communications. His passion for history and the arts is well-documented with his success as a baseball and Civil War historian, historical evaluator, re-enactment producer, and published reviewer and author, which includes *The Detroit Tigers: A Pictorial Celebration of the Greatest Players and Moments in Tigers' History*, which recently won the Award of Merit from the Historical Society of Michigan; and

Whereas, His civic and business leadership encompass terms as president of three chambers of commerce in Illinois and Michigan and chairing many economic development organizations, which earned him numerous awards, including Citizen of the Year in both Ludington and Manistee, Boss of the Year in Galesburg, Illinois, and twice as Business Leader of the Year for his work in economic development; and

Whereas, As director of HAL, Dr. Anderson has successfully overseen the agency's inaugural year and integrated its five member agencies in a way that maximizes resources, serves the citizens of Michigan, and provides cultural constituencies statewide with a unified voice; and

Whereas, Guided by the mission to enrich quality of life for Michigan residents by providing access to information, preserving and promoting Michigan's heritage, and fostering cultural creativity, Dr. Anderson has worked tirelessly to create and strengthen partnerships among cultural programs throughout the state, ultimately raising public awareness, appreciation, and enjoyment of Michigan's extensive cultural resources; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby proudly recognize the committed service and dedication to excellence of Michigan HAL Director Dr. William M. Anderson; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Anderson as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 83.

A concurrent resolution honoring Duane Berger, Director of the Michigan Department of Management and Budget.

Whereas, Since February 2001, Duane Berger has served as the Director of the Department of Management and Budget (DMB); and

Whereas, Duane oversaw the department's 1,100 employees, leading the way to support the business operations and objectives of state government and focused on its vision of "Excellence in Service – Partners in Progress"; and

Whereas, Mr. Berger led the reorganization of DMB to better align programs to meet its customers' needs and expectations of efficient and effective support services; and

Whereas, Duane also demonstrated his capabilities by successfully leading projects, including the completion of the Michigan Hall of Justice, Constitution Hall, Cadillac Place, Information Technology Consolidated Center, Vietnam Memorial, and many others; and

Whereas, Duane handled many more projects on behalf of the administration with integrity and honesty, while keeping the best interest of the taxpayers in mind; and

Whereas, Since September 11, 2001, Duane Berger helped advance the state's efforts to meet the needs and services that were affected by the tragic events of that day and to further enhance security of state-owned buildings. This protects the assets of the taxpayers and ensures the security of state employees and visitors doing business here; and

Whereas, Duane previously served as the deputy director of DMB since 1998, overseeing the property management services, space planning, real estate, architect and engineering services, construction, vehicles, mail services, reprographics, central print center, warehousing, and others. He performed a variety of other functions within the department since beginning his public service career in 1992, including serving as the director of the Office of Property Services and director of Vehicle and Travel Services; and

Whereas, Duane has been a member of numerous state and national committees and boards, among them the Brownfield Redevelopment Board, the Michigan Strategic Fund, the National Association of Chief Administrators, and the Investment Advisory Committee. He was a valuable and integral member of all, contributing through strong participation and leadership; and

Whereas, Duane Berger's contributions to the Engler administration will be remembered as the sincere efforts he intended them to be and supportive of a Governor who provided the leadership and the tools to succeed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Duane Berger, Director of the Michigan Department of Management and Budget; and be it further

Resolved, That a copy of this resolution be transmitted to Duane Berger as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 84.

A concurrent resolution honoring John F. Lopez, Director of the Michigan Department of Civil Service.

Whereas, John F. Lopez in his capacity as State Personnel Director of the Michigan Department of Civil Service since 1995 continuously demonstrated commitment and dedication to the state of Michigan. In his pursuit of efficiency and excellence in governmental relations, he gained the respect and admiration of his colleagues; and

Whereas, John exhibited exemplary and invaluable leadership in the development and implementation of the state's Human Resource Management Network (HRMN) system. In consultation with human resource directors and the Office of the State Employer, John developed multi-year strategic plans and initiatives and a human resources transformation plan to improve the efficiencies of human resources operations; and

Whereas, Mr. Lopez re-engineered the examination, recruitment, and selection processes and administered Web-based vacancy posting and other on-line access to state employment information to expedite the state's hiring processes. He revamped the classification and compensation plans to implement pay-for-performance systems and performance management systems to annually review and assess the competencies of the state workforce; and

Whereas, John developed and enacted management and leadership curriculum for executives and managers to ensure the continuous improvement of our front-line leaders and to achieve statewide best business practices; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor John F. Lopez, Director of the Michigan Department of Civil Service; and be it further

Resolved, That a copy of this resolution be transmitted to John Lopez as a token of our respect for his contributions to the state of Michigan.

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 concurrent resolution.

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

Senator DeGrow offered the following concurrent resolution:

Senate Concurrent Resolution No. 85.

A concurrent resolution honoring Lynn Alexander, Director of the Michigan Office of Services to the Aging.

Whereas, Lynn Alexander has served as Director of the Michigan Office of Services to the Aging since her appointment by Governor Engler in March 1997, and she has tirelessly worked on behalf of older citizens of the state of Michigan; and

Whereas, In this capacity, she is responsible for directing Michigan's aging network, the system providing services to older persons in local communities throughout the state. The Office of Services to the Aging is the state focal point for concerns of the elderly; and

Whereas, Lynn Alexander has placed a high priority on promoting the mission of the Office of Services to the Aging to promote independence and enhance the dignity of Michigan's older persons and their families through advocacy, leadership, and innovation. This has been accomplished with efficient and effective policies, programs, and services; and

Whereas, From 1993 until her appointment as director, Lynn Alexander was a member of the Michigan Commission on Services to the Aging, and she chaired the commission's Equity and Accountability Task Force in 1996. She was also a delegate to the 1995 White House Conference on Aging; and

Whereas, Lynn Alexander was honored by the Friend of the Medicare/Medicaid Assistance Program, which provides health benefits counseling and assistance services to older adult Medicare and Medicaid beneficiaries and those on Medicare due to disabilities; and

Whereas, For 13 years, Lynn was a management consultant specializing in the areas of public speaking, team building, managing change, facilitation, leadership, and professional development. She has assisted thousands of individuals with professional development and quality of work life. Prior to her work as a consultant, she worked for five years in community mental health for the state of Ohio. She holds a bachelor's degree in social work and a master's degree in psychology; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature honor Lynn Alexander, Director of the Michigan Office of Services to the Aging; and be it further

Resolved, That a copy of this resolution be transmitted to Lynn Alexander as a token of our respect for her contributions to the state of Michigan.

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 concurrent resolution.

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

House Concurrent Resolution No. 73.

A concurrent resolution honoring Dan Wyant, Director of the Michigan Department of Agriculture.

Whereas, Dan Wyant has served as the Director of the Michigan Department of Agriculture (MDA) since October of 1996; and

Whereas, Dan has brought a vast and diverse agricultural background to the post, having been raised on a Cass County farm in Michigan and participating in FFA and 4-H. He received his bachelor's degree in food systems management from Michigan State University and a master's degree in business administration from American University in Washington, D.C. He worked in the private sector as a marketing manager at Ralston Purina Company and as an export trade consultant at Lowe's International; and

Whereas, Dan Wyant began his public sector career in the Senate Republican Majority Office. He then served as the Legislative Liaison for the Michigan Department of Agriculture and worked as Associate Director of Governor John Engler's Office of Legislative Affairs, prior to returning to MDA as Director; and

Whereas, Dan's agricultural background and expertise, coupled with his sound business sense and congenial, problem-solving style, have made him a true industry leader. He is well-known and respected throughout the agricultural community, in the legislative arena, by his state colleagues, and by his national peers; and

Whereas, With Dan at the helm, the Michigan Department of Agriculture employees have fostered a deep commitment to responsiveness, collaboration, and innovation that have been instrumental in addressing and resolving a wide array of food and agriculture industry challenges. This includes bovine tuberculosis and other animal and plant health and disease issues, the overhaul of Michigan's food safety laws for the first time in three decades that now focus on preventing foodborne illnesses, the creation of effective and proactive agriculture pollution prevention programs, and the formation of pioneering agricultural economic development initiatives; and

Whereas, Dan has placed top priorities on ensuring food safety and security, promoting and enhancing environmental stewardship, protecting animal and plant health, ensuring consumer protection, creating viable agriculture development opportunities, and integrating technology into the Department's decision-making processes. Due to this leadership, many of Michigan's programs are recognized as national models; and

Whereas, Dan Wyant has served on numerous state and federal committees, as well as private sector boards, and has been a valuable and integral member of all, leaving his mark through strong participation in these efforts; and

Whereas, Dan's many contributions throughout the Engler Administration will long be remembered and their positive impact felt by the agricultural community and others; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Dan Wyant, Director of the Michigan Department of Agriculture; and be it further

Resolved, That a copy of this resolution be transmitted to Dan Wyant as a token of our respect for all his fine work.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 74.

A concurrent resolution honoring Dr. Barbara Bolin, Director of the Michigan Department of Career Development.

Whereas, Dr. Barbara Bolin has served as the first director of the Michigan Department of Career Development, the only such state agency in the nation, working to establish this department as a national model; and

Whereas, Dr. Bolin has had extensive experience as an educator, having taught mathematics and science at high schools in Australia and mathematics at Tyler Junior College, the University of Texas at Tyler, and Texas A&M University; and

Whereas, Dr. Bolin has brought her expertise to this industry, first as a specialist in continuous improvement with Quality Innovations Systems, Inc., and then as a member of Dell University at Dell Computer Corporation; and

Whereas, Dr. Bolin has provided leadership to educational institutions and organizations such as Associate Vice President for Workforce Education at Austin Community College and by serving on the boards of numerous organizations whose focus was workforce or career development; and

Whereas, Dr. Bolin was an inaugural appointee to the Capital Area Workforce Development Board and served as chair-elect for two years. She served as the chair of the Capital Area School-to-Work Partnership and, in 1997, was appointed by then Governor George W. Bush to the Texas Science & Technology Council. In 1999, Governor John Engler appointed her as a Commissioner to the Education Commission of the States; and

Whereas, Dr. Bolin holds outstanding educational credentials, consisting of a B.S. in Mathematics and Science from the University of Adelaide, a teaching degree from the University of South Australia (formerly Adelaide Teachers College), an M.S. in Mathematics, Computer Science, and History from the University of Texas at Tyler, and a Ph.D. in Industrial Education from Texas A&M University; and

Whereas, Dr. Bolin is interested in workforce development and education at all levels, believing strongly in synergy and collaboration and in the benefits to the Michigan economy of a unified, employer-led career development system; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Dr. Barbara Bolin, Director of the Michigan Department of Career Development. We recognize all her contributions to the career development system and to the promotion of career opportunities for residents of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Barbara Bolin as a token of our appreciation for all of her hard work.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 75.

A concurrent resolution honoring Russell J. Harding, Director of the Michigan Department of Environmental Quality.

Whereas, It is with deep appreciation that we commend Russell J. Harding for his extraordinary public service to the state of Michigan and its environment. Russell was born on April 21, 1948 in Grand Rapids, Michigan, and earned his bachelor's degree in Geology from Northern Arizona University in 1970; and

Whereas, Russell admirably served the states of Arizona, Alaska, and Missouri in the areas of natural resources and environmental quality. In 1991, Russell was appointed to Chief of the State Parks Division in the Michigan Department of Natural Resources and was named Deputy Director of Environmental Protection in 1992; and

Whereas, In 1995, Russell was named the director of Michigan's newly created Michigan Department of Environmental Quality. He worked with the urban core mayors to revise the state cleanup program's liability standards to a causation standard, making it truly a "polluters' pay" program. Additionally, Russell led efforts to revise cleanup standards to tailor the level of cleanup to comport with the future use of the site. These efforts led to Michigan's Brownfield Redevelopment Program, which has been ranked first in the nation; and

Whereas, Russell has earned a reputation as an effective and efficient administrator who has taken action to eliminate permit backlogs and streamline procedures and processes. He has also focused strongly on making customer service a way of doing business in the Michigan Department of Environmental Quality; and

Whereas, Russell has been a proponent at the state and federal level of regulatory innovations, such as the Environmental Audit Privilege and Immunity Law. He also established the Environmental Assistance Division, which has administered an aggressive, nationally recognized pollution prevention program. In addition, the implementation of Michigan's Clean Corporate Citizen Program has been an encouragement to businesses and municipalities to be good environmental stewards; and

Whereas, Russell has worked with the EPA and industry to bring the state into full federal compliance for air quality standards of all criteria pollutants for the first time in Michigan's history; and

Whereas, Russell has distinguished himself as a strong advocate for states' rights and was among the group of state environmental directors who helped establish the Environmental Council of States (ECOS). He has been an invaluable asset to Michigan's environment and economy and has done so with integrity; and

Whereas, Russell is an active member in his church and is a very devoted and loving husband to his wife, Pamela, and a wonderful father to his two children, Scott and Kimberly; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Russell J. Harding, Director of the Michigan Department of Environmental Quality; and be it further

Resolved, That a copy of this resolution be transmitted to Russell J. Harding as a symbol of our appreciation and gratitude of his accomplishments and the high esteem in which he is held by the state of Michigan.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 76.

A concurrent resolution honoring William S. Overton, Director of the Michigan Department of Corrections.

Whereas, William S. Overton, a committed correctional professional for 32 years, was selected Director of the Michigan Department of Corrections in March of 2002; and

Whereas, The Michigan Department of Corrections is a cabinet-level state agency with an annual budget of \$1.6 billion. It has nearly 18,000 employees and is directly responsible for the custody and supervision of more than 121,000 convicted felons at 42 correctional facilities, 10 minimum-security camps, and more than 140 parole and probation field offices across the state; and

Whereas, Prior to Bill Overton's appointment as Director, he served as the Deputy Director of Administration and Programs Administration, providing leadership to several areas including the Bureau of Fiscal Management, Office of Planning, Research and Management Information Services, Bureau of Health Care Services, and the Bureau of Correctional Industries; and

Whereas, Bill Overton distinguished himself as he performed in a variety of other roles in the department since beginning his public service career in 1970. This included serving as an Area Manager for five district probation offices in Wayne County, Deputy Warden of the Phoenix Correctional Facility in Plymouth, Michigan, Warden of two correctional facilities in Adrian, Michigan, and Regional Administrator responsible for all parole and probation supervision-related activities in Wayne County; and

Whereas, Bill Overton's impressive repertoire includes a bachelor of science degree in Mathematical Education from Wayne State University, graduate study in Correctional Administration at the University of Detroit, extensive training in management development from the Wharton School Management and Behavior Science Center at the University of Pennsylvania in Kansas City, Missouri, and the University of California in San Diego and Laguna Beach. He also participated in the Executive Excellence Program through the National Institute of Corrections in Longmont, Colorado; and

Whereas, Being a devoted and loving family man, he and his wife, Mildred, have raised two wonderful children, Cynthia and Spencer, and are now enjoying the addition of a beautiful first grandson, Sterling. His family and all of Michigan should take great pride in this fine man and his devoted lifetime commitment to the enhancement of public safety for the people of this great state; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor William S. Overton, Director of the Michigan Department of Corrections. We recognize and salute him for his 32 years of distinguished service to the citizens of the state of Michigan and to his unwavering commitment to excellence as director of the Michigan Department of Corrections; and be it further

Resolved, That a copy of this resolution be transmitted to William S. Overton as a sign of our respect and gratitude.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 77.

A concurrent resolution honoring Noelle A. Clark, Director of the Michigan Department of Consumer and Industry Services.

Whereas, Noelle A. Clark answered the Governor's call to service by donating her time and talents to the citizens of Michigan as Director of the Department of Consumer and Industry Services during a time of great challenge and change, including an effort to revamp and improve the delivery of unemployment services in Michigan; and

Whereas, Noelle A. Clark has spent many years serving on various state boards and commissions tirelessly offering her insight and expertise as a successful Michigan business owner and long-time national board member of the National Federation of Independent Business; and

Whereas, Noelle A. Clark developed a reputation throughout these many years as a talented, loyal, and dedicated business and community leader and is highly regarded and respected by all who know her; and

Whereas, Noelle A. Clark's professionalism and energy will be missed by the Department of Consumer and Industry Services and the citizens of the state of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Noelle A. Clark, Director of the Michigan Department of Consumer and Industry Services. We recognize and express our appreciation for all of her accomplishments and contributions. We congratulate her and wish her success and enjoyment in the future with her husband, Ellis, and her children and grandchildren; and be it further

Resolved, That a copy of this resolution be transmitted to Noelle A. Clark as a token of our admiration.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 78.

A concurrent resolution honoring Dr. Nanette Lee Reynolds, Director of the Michigan Department of Civil Rights.

Whereas, Dr. Nanette Lee Reynolds, the longest serving director in the history of the Michigan Department of Civil Rights (MDCR), has held this position since April of 1993; and

Whereas, Dr. Reynolds has provided the kind of leadership that has made MDCR one of the largest and most influential governmental civil rights agencies in the country; and

Whereas, The department's creative initiatives under her tenure have included the formation of the Michigan Alliance Against Hate Crimes (MIAAHC), a coalition of law enforcement agencies and civil rights groups, and Civil Rights Health: A Community-Based Assessment, a project that helps communities voluntarily measure their civil rights health; and

Whereas, Dr. Reynolds was ahead of her time in appointing a department Arab American liaison years before the September 11 tragedy and long before it became fashionable for governmental civil rights agencies to do so; and

Whereas, As director, Dr. Reynolds expanded MDCR's customer service options and initiated a reengineering process and department-wide automated computer system that has stepped up MDCR's efficiency and effectiveness; and

Whereas, Dr. Reynolds' creative efforts have made the Michigan Department of Civil Rights into a model for other state and municipal civil rights agencies around the country, with MDCR offering consultation to the state departments in Indiana, Iowa, Massachusetts, Minnesota, New Jersey, North Dakota, Ohio, and Pennsylvania; and

Whereas, Dr. Reynolds' work has earned her numerous plaudits, including the National Association of Human Rights Workers' (NAHRW) 2001 Individual Human Rights Award, the 2001 Frank J. Kelley Distinguished Service Award from the Michigan chapter of the American Society for Public Administration, and the 2002 Distinguished Service Award from the Michigan NAACP; and

Whereas, Dr. Reynolds is a champion of diversity and the empowerment of women, people of color, and people with disabilities. She also promotes intergroup relations through her own life's example; and

Whereas Dr. Reynolds, who holds a bachelor's degree in political science from Howard University in Washington, D.C., a master's degree in higher education from Southern Illinois University, and a doctorate in higher education from Harvard. She is a compelling role model to many young men and women around the country; and

Whereas, Dr. Reynolds has been a community activist in the greater Lansing area and serves as a member of the boards of the National Conference for Community and Justice (NCCJ), advisory committees of the Michigan ACLU, and the Arab-American Anti-Discrimination Committee (ADC); now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Dr. Nanette Lee Reynolds, Director of the Michigan Department of Civil Rights. We salute her for her contributions to protecting civil rights in Michigan and around the country and for her commitment to enriching and ennobling the lives of others; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Nanette Lee Reynolds as a token of respect for all of her service to the state of Michigan.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 79.

A concurrent resolution honoring Douglas E. Howard, Director of the Michigan Family Independence Agency.

Whereas, Douglas E. Howard has served as Director of the Michigan Family Independence Agency since March of 1999. Since then, he has diligently and aggressively maintained and expanded the agency's nationally recognized welfare reform initiatives with expertise, enthusiasm, and administrative efficiency; and

Whereas, Douglas Howard is well-respected at the national level as a result of his active participation in the development of the 1996 federal Personal Responsibility and Work Opportunity Reconciliation Act and his work as a prominent member, and as president, of the American Public Human Services Association; and

Whereas, In his capacity as Director of the Michigan Family Independence Agency, Douglas Howard has served as a member of the Michigan State Housing Development Authority, State Interagency Coordinating Council for Handicapped Infants and Toddlers, State Child Abuse and Prevention Board, Michigan Workforce Investment Board, State Court Information Management Commission, and Governor's Task Force on Children's Justice; and

Whereas, During his tenure as Director of the Michigan Family Independence Agency, Douglas Howard has provided outstanding leadership in diverse areas including child protection, child support collections, adoptions, food assistance, Electronic Benefits Transfer, and Project Zero; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Douglas Howard, Director of the Michigan Family Independence Agency; and be it further

Resolved, That a copy of this resolution be transmitted to Douglas Howard as evidence of our deepest appreciation and enduring esteem.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 80.

A concurrent resolution honoring Major General E. Gordon Stump, Director of the Department of Military and Veterans Affairs and Adjutant General of Michigan.

Whereas, Major General E. Gordon Stump was appointed to his current position as the Director of the Department of Military and Veterans Affairs and Adjutant General of Michigan by Governor John Engler on February 3, 1991; and

Whereas, In this position he commands 150 units of the Michigan Army and Air National Guard, directs operations of two veterans' nursing homes with a capacity of 1,000 beds, and administers grants to 12 veterans' service organizations; and

Whereas, General Stump began his military career in June 1965 when he received an ROTC commission as a second lieutenant from the University of Akron. Upon graduation, he earned a degree in mechanical engineering. He received his wings and the commander's trophy for placing first in his pilot training class at Webb Air Force Base, Texas in September of 1966. From July 1967 through July 1969, he flew 241 combat missions out of South Vietnam and Thailand. Forty-one of these missions were over North Vietnam; and

Whereas, General Stump was released from active duty on December 31, 1969, and joined the Ohio National Guard. He moved to Michigan in March of 1973 when he was promoted in his civilian occupation as an engineer for B.F. Goodrich. Shortly after he arrived, he joined the 107th Tactical Fighter Squadron at Selfridge Air National Base to fly F-100s. The General has maintained his aeronautical rating throughout his career and is currently qualified to fly F-16s and has over 4,000 flight hours to his credit; and

Whereas, Since 1973, General Stump has held a long list of impressive command and staff positions with the Michigan Air National Guard, including flight commander, squadron commander, chief of the command post, and commander of the Michigan Air National Guard. Among his many military decorations and awards are the Legion of Merit, Meritorious Service Medal, Air Medal with Silver Oak Leaf Cluster, Air Force Commendation Medal, Vietnam Service Medal, Republic of Vietnam Campaign Medal, State Legion of Merit, and many more; and

Whereas, General Stump has served as the President of the National Guard Association of the United States and currently serves as an advisor to the Secretary of Defense as a member of the Reserve Forces Policy Board; and

Whereas, Upon accepting the Governor's appointment, General Stump retired from the Michelin Tire Corporation, formerly Uniroyal/Goodrich, as vice president of automotive engineering. He serves as a committee member on a wide range of state, military, and professional organizations. He lives in Okemos with his wife, Marie, and has two married children, Scott and Traci; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Major General E. Gordon Stump, Director of the Department of Military and Veterans Affairs and Adjutant General of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to General Stump as a symbol of our appreciation and gratitude of his accomplishments and the high esteem in which he is held by the state of Michigan.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 81.

A concurrent resolution honoring K.L. Cool, Director of the Michigan Department of Natural Resources.

Whereas, K.L. Cool was selected Director of the Michigan Department of Natural Resources by the Michigan Natural Resources Commission and came to Michigan with his wife, Vicki, in 1996; and

Whereas, The DNR is a cabinet-level state agency with an annual budget of \$250 million and nearly 2,300 employees, with far-reaching programs in forestry, fisheries, wildlife, parks and recreation, law-enforcement, and land and mineral services; and

Whereas, K.L. Cool brought to Michigan an outstanding background in conservation management, having served previously as Director of the North Dakota Game and Fish Department, Director of the Montana Department of Fish, Wildlife and Parks, Director of the South Dakota's Wildlife division, and Regional Director for Ducks Unlimited; and

Whereas, His impressive repertoire includes a Master's Degree in wildlife management from South Dakota State University and experience as a Conservation Officer and Wildlife Biologist; and

Whereas, His career has been marked by countless professional awards in every state he has worked in, including Conservationist of the Year by the South Dakota Wildlife Federation, Professional Award from the South Dakota Chapter of the Wildlife Society, Distinguished Alumnus Centennial Certificate from South Dakota State University, Director of the Year from the Western Association of Fish and Wildlife enforcement Programs, and an award for habitat conservation to safeguard the Northern Yellowstone Elk Herd, by the Rocky Mountain Elk Foundation; and

Whereas, As Michigan's DNR Director, K.L. Cool has united the divisions of the agency with a strong, collaborative team management focus, embarked the agency on a philosophy of holistic ecosystem management, crafted clear, productive rapport with conservation constituencies throughout the state, and recommitted the agency as a whole to sound, science-based stewardship of the state's resources for present and future generations; and

Whereas, Under K.L. Cool's leadership, Michigan has enjoyed unprecedented accomplishments including massive infrastructural rehabilitation of the State Parks system, establishment of programs to educate young people about Michigan's rich conservation and outdoor heritage, completion of some of the most vital property acquisitions in the history of our state, successful negotiation of tribal fishing rights with the 2000 Consent Decree, creation of Pocket Parks at both the Detroit and Escanaba State Fairs, reintroduction and rehabilitation of myriad wildlife species, the state's most successful annual firearm deer harvest on record, and the safest hunting season on record; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor K.L. Cool, Director of the Michigan Department of Natural Resources; and be it further

Resolved, That a copy of this resolution be transmitted to K.L. Cool, as a token of our admiration for all his work. The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 82.

A concurrent resolution honoring Gregory J. Rosine, Director of the Michigan Department of Transportation.

Whereas, Gregory J. Rosine was named Director of the Michigan Department of Transportation (MDOT) on January 1, 2001, and was responsible for overseeing Michigan's highway construction, public transit programs, and the state's aeronautics bureau; and

Whereas, Mr. Rosine is a graduate of Central Michigan University and earned a bachelor's of science degree in political science with a public administration emphasis. He served as MDOT's Chief Administrative Officer for three years prior to his appointment as director; and

Whereas, Beginning his career in state service in 1979, Mr. Rosine started out as a House Fiscal Agency analyst for the Michigan House of Representatives. In 1987, he was promoted to Associate Director of the Education Regulatory Services Unit and in 1995 assumed the position of Associate Director of Human Resources; and

Whereas, Mr. Rosine is a shining example of a quality state leader. His hard work, transportation experience, and extensive knowledge of state government have been a great asset to this state. His outstanding leadership and achievements are to be commended; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Gregory J. Rosine, Director of the Michigan Department of Transportation; and be it further

Resolved, That a copy of this resolution be transmitted to Gregory J. Rosine as a token of our admiration for all his work.

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

House Concurrent Resolution No. 83.

A concurrent resolution honoring Andrew Henry, Director of the Center for Educational Performance and Information, for his dedicated service to the state of Michigan.

Whereas, It is with great respect that we salute Andrew Henry. His commitment to providing better services in education through the use of technology for all citizens of the state of Michigan and the excellence he has demonstrated in his many duties are to be commended; and

Whereas, Andrew Henry has served as Director of the Center for Educational Performance and Information and directed the implementation of the Michigan Education Information System (MEIS) to collect, manage, and report educational data about the performance of Michigan's public schools and students. During his leadership, the MEIS continued to grow in scope and stature and the state of Michigan was recognized nationally as being ahead of the curve in implementing quality data systems; and

Whereas, His distinguished service to the state of Michigan includes serving as a senior project manager in the e-Michigan office, where he managed major technology projects and contributed to the successful migration of state agencies' Web sites to a universal Michigan.gov portal. At Michigan State University's College of Education, he was the director of edtech.connect, where his administrative leadership contributed to the development of educational technology throughout the state of Michigan; and

Whereas, Andrew Henry has had a far-reaching and positive impact on the integration of curriculum and technology in the Okemos School District and throughout the state. He began his career in education as a permanent substitute in the Rochester School District, where he taught chemistry. He continued as a hard-working public servant, genuinely concerned with excellence in education, employed as a public school teacher for 10 years with the Okemos School District, where he taught English, computer skills, and managed various district-wide information projects. Ever interested in expanding his knowledge in order to assist others, after completing a bachelor of science degree in physiology at Michigan State University, with an additional major in English, he went on to earn a secondary teaching certificate in chemistry and English from Oakland University and a master's degree in English from Michigan State University. He is currently pursuing a doctoral degree in technology and cognition from MSU. His community service also includes being active with the Cub Scouts, boys' soccer and the Okemos Community Church; and

Whereas, Andrew Henry's leadership, knowledge, and enthusiasm for improving education have truly made a difference for students and schools in Michigan, we are proud to join with his many admirers in honoring him; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the members of this legislative body honor Andrew Henry for his dedicated service to the State of Michigan and to the Center for Educational Performance and Information; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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 concurrent resolution.

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

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

By unanimous consent the Senate proceeded to the order of

Statements

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:

Unfortunately, I have the sad task of making a statement about a man who will for decades have dedicated his life to medicine and making people in this state healthy. I am talking about a good friend, my family doctor, and a man who I have grown to respect and really admire for the last 20-plus years. His name was Dr. Robert Wolf. He grew up in Detroit and went to Wayne State University. He continued his education at the Chicago College of Osteopathic Medicine and Surgery. He opened up a practice in the city of Warren, and he ran a family clinic—Northpoint Clinic in the city of Warren. He took care of many, many young families. He took care of my own children. He made sure they stayed healthy, and when I had my own medical problems 10 years ago, it was Dr. Wolf who found the best cardiologist in Michigan to make sure that I could be standing here today to talk about him.

Not only over the years was he my family doctor, but he was a man whom I admired and looked up to. We talked about the quality of life in so many different areas of not only medicine, but how we could make the quality of life for the people in Michigan better.

I know he started out as an intern at St. John Oakland General Hospital. Through the years he grew to be chief of staff and just retired as the medical director for all the doctors at St. John Oakland General Hospital. I know that Sunday morning at Ira Kaufman Chapel his service at 9 o'clock was a real tribute to him. Over 300 people showed up on Sunday morning to pay tribute to this fine father, husband, leader, and a great, great doctor.

So many people—I remember—seeing him at the hospital would come and talk with him and ask him for his advice and his assistance. He is going to be missed by his friends and family at St. John Oakland General Hospital, where he was the medical director. He is going to be missed by his family, his wife Mary Jo of 34 years, his great sons, Matthew and Jordan; and his sister Marilyn, who worked with him side by side in his clinic at Northpoint Clinic in the city of Warren.

I would just like to say that his family should take great pride in this fine gentleman, fine husband, and father who bequeath a wonderful legacy of accomplishments in the medical field and always had the well-being of others in mind. He was a great friend, he was a great doctor, and he was a great leader in southeast Michigan. There are going to be thousands of people who are going to miss his leadership and his fine wisdom.

By unanimous consent the Senate returned to the order of

Messages from the House

Senate Bill No. 3, entitled

A bill to amend 1947 PA 179, entitled "An act to provide for the incorporation of certain municipal authorities for the collection or disposal, or both, of garbage or rubbish, or both, and for the operation of a dog pound; and to prescribe the powers, rights and duties thereof," (MCL 123.301 to 123.310) by adding section 11.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2) and ordered that it be given immediate effect.

Pending the order that, under rule 3.202, the bill 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 concurring in the substitute made to the bill by the House,

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

Roll Call No. 946**Yeas—34**

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

Nays—0**Excused—3**

Dingell	Murphy	Vaughn
---------	--------	--------

Not Voting—1

Schuette

In The Chair: Hoffman

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

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

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

Committee Reports

The Committee on Senior Citizens and Veterans Affairs reported

House Bill No. 4818, entitled

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending the title and sections 3 and 7 (MCL 35.1053 and 35.1057), the title as amended by 2000 PA 470 and sections 3 and 7 as amended by 1992 PA 121.

With the recommendation that the bill pass.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Goschka and Garcia

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Senior Citizens and Veterans Affairs submitted the following:
Meeting held on Wednesday, December 4, 2002, at 3:00 p.m., Room 405, Capitol Building
Present: Senators Dunaskiss (C), Goschka and Garcia
Excused: Senators Hart and Vaughn

The Committee on Appropriations reported

Senate Bill No. 1128, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1b, 1d, 5, 11, 13, 19, 20, 20d, 21, 24, 33, 38, 46, 48, 49, and 52 (MCL 38.1b, 38.1d, 38.5, 38.11, 38.13, 38.19, 38.20, 38.20d, 38.21, 38.24, 38.33, 38.38, 38.46, 38.48, 38.49, and 38.52), section 1b as amended by 1996 PA 33, sections 1d and 49 as added by 1995 PA 176, sections 11 and 13 as amended and section 52 as added by 1996 PA 487, section 19 as amended by 1998 PA 205, section 20 as amended by 1996 PA 521, section 20d as amended by 1996 PA 532, section 38 as amended by 1996 PA 279, and section 48 as added by 1990 PA 110, and by adding section 19g.

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

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussiaert and Dingell

Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 1255, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 14, and 14a (MCL 38.1603, 38.1614, and 38.1614a), sections 3 and 14 as amended by 2000 PA 374 and section 14a as added by 1995 PA 192.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussiaert and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 1520, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 10 (MCL 421.10), as amended by 2002 PA 192.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 6, line 9, by striking out all of subsection (9) and inserting:

"(9) The unemployment agency shall authorize the withdrawal of \$16,000,000.00 from the contingent fund (Michigan Employment Security Act) for deposit into the general fund as follows:

(a) \$10,000,000.00 for the fiscal year ending September 30, 2002.

(b) \$6,000,000.00 for the fiscal year ending September 30, 2003."

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Bennett, Stille, Goschka and Koivisto

Nays: Senators Smith, Scott, DeBeaussiaert and Dingell

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

The Committee on Appropriations reported

House Bill No. 4273, entitled

A bill to designate the fourth Friday in April of each year as children's memorial day in the state of Michigan.

With the recommendation that the bill pass.

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

Harry Gast
Chairperson

To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Johnson, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussaert and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Joint meeting held on Thursday, December 5, 2002, 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Johnson, Hoffman, North, Gougeon, Bennett, Stille, Goschka, Smith, Koivisto, DeBeaussaert, Murphy and Dingell

Excused: Senator Young

The Committee on Judiciary reported

House Bill No. 5277, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending sections 2 and 3 (MCL 28.242 and 28.243), section 2 as amended by 1988 PA 40 and section 3 as amended by 1999 PA 266.

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

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

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette and Peters

Nays: None

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

The Committee on Transportation and Tourism reported

House Bill No. 5122, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217p and 217q.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 5734, entitled

A bill to amend 1980 PA 119, entitled "Motor carrier fuel tax act," by amending sections 1, 2, and 4 (MCL 207.211, 207.212, and 207.214), sections 1 and 4 as amended by 2000 PA 406 and section 2 as amended by 1996 PA 584.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 5735, entitled

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 3, 5, 8, 37, 38, and 92 (MCL 207.1003, 207.1005, 207.1008, 207.1037, 207.1038, and 207.1092); and to repeal acts and parts of acts.

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

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

House Bill No. 5736, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 2, 3, 4, and 4k (MCL 205.92, 205.93, 205.94, and 205.94k), sections 2 and 3 as amended by 2002 PA 511, section 4 as amended by 2002 PA 456, and section 4k as amended by 2000 PA 200.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 6446, 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.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 6486, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 720 (MCL 257.719 and 257.720), section 719 as amended by 2002 PA 453 and section 720 as amended by 2002 PA 535.

With the recommendation that the bill pass.

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

House Bill No. 6523, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11 (MCL 247.661), as amended by 2002 PA 498.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.
Chairperson

To Report Out:

Yeas: Senators Bullard, Steil and Leland

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Transportation and Tourism submitted the following:

Meeting held on Thursday, December 5, 2002, at 12:45 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), Steil and Leland

Excused: Senators North and Hart

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 5952, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 261c.

With the recommendation that the bill pass

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

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Bullard, Koivisto and Cherry

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Hunting, Fishing and Forestry reported

House Bill No. 5953, entitled

A bill to provide for circumstances under which certain forestry operations shall not be found to be a public or private nuisance; to provide for certain forestry management practices; to provide for certain powers and duties for certain state agencies and departments; and to provide remedies.

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

The committee further recommends that the bill be given immediate effect

Alan Sanborn
Chairperson

To Report Out:

Yeas: Senators Sanborn, Bullard and Koivisto

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submitted the following:

Meeting held on Wednesday, December 4, 2002, at 9:00 a.m., Room 110, Farnum Building

Present: Senators Sanborn (C), Bullard, Koivisto and Cherry

Excused: Senator Hoffman

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5242, entitled

A bill to amend 1994 PA 203, entitled "Foster care and adoption services act," by amending section 8 (MCL 722.958).

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Goschka, Sanborn and Scott

Nays: None

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

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5484, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 18e.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Goschka, Sanborn and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5583, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as added by 1996 PA 285.

With a substitute (S-1) and without recommendation.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Goschka, Sanborn and Scott

Nays: None

Pursuant to rule 2.204, the bill and the substitute recommended by the committee were laid on the table.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5584, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 1994 PA 205.

With a substitute (S-2) and without recommendation.

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Goschka, Sanborn and Scott

Nays: None

Pursuant to rule 2.204, the bill and the substitute recommended by the committee were laid on the table.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5971, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16299, 17014, and 17015 (MCL 333.16299, 333.17014, and 333.17015), section 17014 as added by 1993 PA 133 and section 17015 as amended by 2000 PA 345.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5994, entitled

A bill to assert the state's interest in protecting all individuals; and to prescribe responsibilities and procedures in regard to a newborn whose live birth results from an abortion.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 2, line 1, after "extraction" by striking out the balance of the subdivision and inserting "of a product of conception from its mother, regardless of the duration of the pregnancy, that after expulsion or extraction, whether or not the umbilical cord has been cut or the placenta is attached, shows any evidence of life, including, but not limited to, 1 or more of the following:

(i) Breathing.

(ii) A heartbeat.

(iii) Umbilical cord pulsation.

(iv) Definite movement of voluntary muscles."

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

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

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5995, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 3 of chapter XII (MCL 712.3), as added by 2000 PA 232.

With the recommendation that the following amendment be adopted and that the bill then pass:

1. Amend page 3, line 21, after "UNDER" by striking out "SECTION 3" and inserting "SECTION 3(1)".

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

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

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5996, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 135 (MCL 750.135), as amended by 2000 PA 233.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5997, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2000 PA 234.

With the recommendation that the bill pass.

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

The bill was referred to the Committee of the Whole.

The Committee on Families, Mental Health and Human Services reported

House Bill No. 5998, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2822 and 2843 (MCL 333.2822 and 333.2843).

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

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

Beverly S. Hammerstrom
Chairperson

To Report Out:

Yeas: Senators Hammerstrom, Gougeon, Goschka and Sanborn

Nays: Senator Scott

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

COMMITTEE ATTENDANCE REPORT

The Committee on Families, Mental Health and Human Services submitted the following:

Meeting held on Wednesday, December 4, 2002, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Hammerstrom (C), Gougeon, Goschka, Sanborn and Scott

Excused: Senators Johnson and Hart

Scheduled Meetings

Appropriations - Thursday, December 12, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Subcommittee -

Career Development Strategic Fund Agency, Joint Senate/House - Wednesday, December 11, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:45 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Wednesday, December 11, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

