

No. 2
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Tuesday, January 25, 2005.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Patricia L. Birkholz.

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

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

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

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

Pastor David Warren of Calvary Baptist Church of Midland offered the following invocation:

Dear Father Lord, we thank You for this day, for this opportunity we have together in this country—the freedoms that we have. Lord, we thank You for those who have come before us who have fought for those freedoms. Thank You for the men and women in this room who have continued to protect those freedoms, Lord. I pray that as business is done today and throughout this year, Lord, that it would be such that You would be honored and You would be glorified with each decision that is made. I pray, Lord, for those who are serving overseas who are in harm's way, Lord, especially as we think of this week of Iraq and the elections to be held. We pray, Lord, that You would protect them, that they would make wise decisions and, Lord, that we would see freedom furthered throughout this world.

I pray now that You would guide and direct in the business that is at hand, Lord, and that as we look at our own state and the affairs of next year, Lord, that You would guide and You would direct and, God, You would be with those who are in need right now. Lord, we thank You for programs that are available for those. I pray, Lord, that You would open the economy, Lord, to jobs for those who are in need.

I pray You would be with those here even in this very room, who have very specific needs in their own hearts and their own homes and that You would meet those needs, that You would help them as they do their work, that they would not forget the most important work, the work of the home and the family, Lord; that this government and this body would continue to build the family with each decision that is made.

I pray now, Lord, that You would just come with us, guide us and direct us. We pray these things in the name of our Lord and Savior, Jesus Christ. Amen.

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

Motions and Communications

Senator Schauer moved that Senators Brater, Emerson and Thomas be temporarily excused from today's session. The motion prevailed.

Senator Hammerstrom moved that Senator Brown be temporarily excused from today's session. The motion prevailed.

The following communications were received and read:
Office of the Senate Majority Leader

January 24, 2005

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Agriculture, Forestry and Tourism Committee hold a hearing on the appointment of Dale Norton to the Commission of Agriculture, and make a written recommendation to the Government Operations Committee on this appointment.

January 24, 2005

Pursuant to Senate Rule 2.104(c), I am requesting that the Senate Appropriations Committee hold a hearing on the appointment of Roy Wilbanks and Thomas Sidlik to the Board of Control for Eastern Michigan University and Jaqueline Long and Henry Baskin to the Board of Control for Oakland University, and make a written recommendation to the Government Operations Committee on this appointment.

Sincerely,
Senator Ken Sikkema
Chairman, Senate Government Operations Committee

The communications were referred to the Secretary for record.

Senators Emerson, Brater, Thomas and Brown entered the Senate Chamber.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

December 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:48 p.m. this date,

administrative rule (04-12-03) for the Department of Labor and Economic Growth, Director's Office entitled "*Underground Construction, Caissons, Cofferdams, and Compressed Air*," effective 7 days after filing with the Secretary of State.

December 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:50 p.m. this date, administrative rule (04-12-04) for the Department of Labor and Economic Growth, Board of Real Estate Appraisers entitled "*General Rules - Real Estate Appraisers*," effective 7 days after filing with the Secretary of State.

December 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:52 p.m. this date, administrative rule (04-12-05) for the Department of Labor and Economic Growth, Director's Office entitled "*General Rules - Michigan Uniform Energy code*," effective February 28, 2005.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:20 p.m. this date, administrative rule (04-12-06) for the Department of Agriculture, Environmental Stewardship Division entitled "*Conduct of Referenda and Elections*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:22 p.m. this date, administrative rule (04-12-07) for the Department of Agriculture, Environmental Stewardship Division entitled "*Election of Directors at Soil Conservation District Annual Meetings*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:24 p.m. this date, administrative rule (04-12-08) for the Department of Agriculture, Environmental Stewardship Division entitled "*Hearing Schedule*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:26 p.m. this date, administrative rule (04-12-09) for the Department of Agriculture, Executive Division entitled "*Regulation No. 50. Weather Modification Control*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:28 p.m. this date, administrative rule (04-12-10) for the Department of Natural Resources, Law Enforcement Division entitled "*Commercial Land Use*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:30 p.m. this date, administrative rule (04-12-11) for the Department of Natural Resources, Fisheries Division entitled "*Upper Manistee River Natural River Zoning*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:32 p.m. this date, administrative rule (04-12-12) for the Department of Natural Resources, Fisheries Division entitled "*Pine River Natural River Zoning*," effective 7 days after filing with the Secretary of State.

December 20, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:34 p.m. this date, administrative rule (04-12-13) for the Department of Natural Resources, Law Enforcement Division entitled "*State Uniform Waterway Marking System*," effective January 1, 2005.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:56 a.m. this date, administrative rule (05-01-01) for the Department of Community Health, Director's Office entitled "*Board of Optometry - General Rules*," effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:58 a.m. this date, administrative rule (05-01-02) for the Department of Community Health, Director's Office entitled "*Board of Medicine - General Rules*," effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:00 p.m. this date, administrative rule (05-01-03) for the Department of Community Health, Director's Office entitled "*Board of Osteopathic Medicine and Surgery - General Rules*," effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:02 p.m. this date, administrative rule (05-01-04) for the Department of Labor and Economic Growth, Director's Office entitled "*Part 7. Welding and Cutting*," effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:04 p.m. this date, administrative rule (05-01-05) for the Department of Labor and Economic Growth, Director's Office entitled "*Carnival and Amusement Safety*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:
Department of Management and Budget

January 7, 2005

I am pleased to announce that the Annual Reports for the Michigan Public School Employees' Retirement System, the State Employees' Retirement System, the State Police Retirement System and the Judges' Retirement System for

the fiscal year ending September 30, 2004 are available online at www.michigan.gov/ors. The reports in a printable format are listed separately in the "What's New" section under each retirement system.

These reports are an excellent source of information on the four statewide retirement systems administered by the Department of Management and Budget, Office of Retirement Services. In keeping with the statewide effort to reduce costs, we will be sending out printed copies only upon request.

Please share this information as appropriate and if I can provide further information, please let me know.

Sincerely,
Chris DeRose
Director
Office of Retirement Services

The communication was referred to the Secretary for record.

The Secretary announced that the following official bills were printed on Thursday, January 13, and are available at the legislative Web site:

Senate Bill Nos.	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	15	16	17	18	19	20	21	22	23	24	25	26	27	

Messages from the Governor

The following message from the Governor was received on January 14, 2005, and read:

EXECUTIVE ORDER
No. 2005-1

Department of Labor and Economic Growth
Department of Management and Budget

State Office of Administrative Hearings and Rules

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 5 of Article XI of the Michigan Constitution of 1963 empowers the Civil Service Commission to fix rates of compensation for all classes of positions, to approve or disapprove all disbursements for personal services, to make rules and regulations covering all personnel transactions, and to regulate all conditions of employment in the state classified service;

WHEREAS, the People of the State of Michigan deserve a regulatory and administrative hearing process that is efficient, effective, understandable, and responsive;

WHEREAS, it is organizationally sound and appropriate to concentrate the review and legal certification of administrative rules and administrative hearing functions in one office;

WHEREAS, the centralization of state government functions relating to the processing and promulgation of administrative rules and the conduct of administrative hearings will eliminate unnecessary duplication and facilitate more effective implementation of policy;

WHEREAS, better coordination of administrative hearing functions can contribute to the development of expertise in the requisite areas of law and foster more extensive knowledge of relevant statutes, rules, governing court cases and precedent;

WHEREAS, improvements in the organization of state government are necessary to provide Michigan residents and job providers with improved delivery of state services;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

2. "Commissioner of Financial and Insurance Services" means the head of the Office of Financial and Insurance Services, created under Executive Order 2000-4, MCL 445.2003.

3. "Contested Case" means that term as defined in Section 3(3) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.203.

4. "Department or Agency" includes each principal department of state government, an agency, a board, a commission, a tribunal, or other entity within the Executive Branch of state government. "Department or Agency" does not include the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, or the Executive Office of the Governor.

5. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

6. "Department of State" means the principal department of state government created under Section 25 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.125.

7. "Hearing Officer" means an individual who conducts or handles administrative hearings or administrative hearing functions for a Department or Agency, including, but not limited to, a hearing officer, hearings officer, hearing examiner, administrative law judge, or a presiding officer. "Hearing Officer" does not include an elected state official, a member of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

8. "Office of Regulatory Reform" means the entity created within the Executive Office of the Governor under Executive Order 1995-6, MCL 10.151, as codified within the Department of Management and Budget under Section 34 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.234 (as added by 1999 PA 262), transferred to the Executive Office of the Governor under Executive Order 2000-1, MCL 10.152, and re-transferred to the Department of Management and Budget under Executive Order 2002-11, MCL 10.153.

9. "State Office of Administrative Hearings and Rules" or "SOAHR" means the Type I Agency created within the Department of Labor and Economic Growth under Section II.

10. "Type I Agency" means an agency established consistent with Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

11. "Type III Transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. CREATION OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

A. The State Office of Administrative Hearings and Rules (SOAHR) is created as a Type I Agency within the Department of Labor and Economic Growth. The SOAHR shall be headed by a director known as the Executive Director of the State Office of Administrative Hearings and Rules. The appointing authority for the Executive Director of the SOAHR shall be the Governor. The Executive Director of the SOAHR shall administer the personnel functions of the SOAHR and be the appointing authority for employees of the SOAHR.

B. As a Type I Agency, the State Office of Administrative Hearings and Rules shall exercise its prescribed powers, duties, responsibilities, functions, and any rule-making, licensing and registration, including the prescription of any rules, rates, and regulations and standards, and adjudication independently of the Director of the Department of Labor and Economic Growth. The budgeting, procurement, and related management functions of the SOAHR shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

C. The State Office of Administrative Hearings and Rules shall lead state efforts to continually evaluate policies and procedures for conducting administrative hearings and for the processing and review of administrative rules with the goal of developing best practices in these areas.

D. The State Office of Administrative Hearings and Rules shall provide services related to administrative hearing functions including, but not limited to, a Contested Case hearing, or the hearing portion of a Contested Case, for a Department or Agency affected by the transfers under Section III. To assure the timely and effective delivery of services related to administrative hearing functions, compliance with state and federal law, the promulgation of administrative rules, and the assignment of personnel to perform administrative hearing functions with expertise in the appropriate subject areas and the law, the SOAHR shall develop an interagency agreement relating to the provision of services with each principal department that includes a Department or Agency affected by the transfers under Section III.

E. Hearings conducted by the State Office of Administrative Hearings and Rules shall be conducted in an impartial manner. A Contested Case hearing, or the hearing portion of a Contested Case, conducted by the SOAHR shall be

conducted in an impartial manner, as required under Section 79 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.279. On the filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the SOAHR shall determine the matter as a part of the record in the case, and its determination shall be subject to judicial review at the conclusion of the proceeding. When a presiding officer is disqualified or it is impracticable for the officer to continue the hearing, another presiding officer may be assigned by the Executive Director of the SOAHR unless it is shown that substantial prejudice to the party will result therefrom.

F. A Hearing Officer of the State Office of Administrative Hearings and Rules may administer an oath or affirmation to a witness in a matter before the SOAHR, certify to official acts, and take depositions, in the same manner as authorized under Section 74 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.274. To the extent authorized by law, a Hearing Officer of the SOAHR may issue a subpoena requiring a party or a witness to attend and testify at a hearing and to require the production of records.

G. The State Office of Administrative Hearings and Rules may only assign a Hearing Officer to perform administrative hearing functions for the Michigan Public Service Commission from a list of Hearing Officers approved by the Michigan Public Service Commission to perform administrative hearing functions for the Michigan Public Service Commission. If the Michigan Public Service Commission objects to the continued performance of administrative hearing functions by a Hearing Officer, the SOAHR shall remove the Hearing Officer from the list of Hearing Officers approved by the Michigan Public Service Commission. Personnel reviews of Hearing Officers performing administrative hearing functions for the Michigan Public Service Commission shall be conducted jointly by the SOAHR and the Michigan Public Service Commission or its designee from within the Commission. The Executive Director of the SOAHR shall be the appointing authority for Hearing Officers subject to this paragraph.

H. The State Office of Administrative Hearings and Rules may only assign a Hearing Officer to perform administrative hearing functions for the Michigan Employment Relations Commission from a list of Hearing Officers approved by the Michigan Employment Relations Commission to perform administrative hearing functions for the Michigan Employment Relations Commission. If the Michigan Employment Relations Commission objects to the continued performance of administrative hearing functions by a Hearing Officer, the SOAHR shall remove the Hearing Officer from the list of Hearing Officers approved by the Michigan Employment Relations Commission. The Executive Director of the SOAHR shall be the appointing authority for Hearing Officers subject to this paragraph.

I. At the request of a Department or Agency not affected by the transfers under Section III, the SOAHR may provide services related to administrative hearing functions, including, but not limited to, a Contested Case hearing, or the hearing portion of a Contested Case, and related functions under an interagency agreement between the SOAHR and the Department or Agency.

III. TRANSFER OF ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL

A. Except as otherwise provided in Sections II.G, II.H, and IV, all authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources of a Department or Agency involved in any of the following activities related to administrative hearing functions are transferred to the State Office of Administrative Hearings and Rules:

1. The conduct or handling of administrative hearings by a Hearing Officer, including, but not limited to, a Contested Case hearing or the hearing portion of a Contested Case, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2. The designation, authorization, appointment, or selection of Hearing Officers.

3. The development, writing, and submission of any proposal for decision or report following an administrative hearing by a Hearing Officer.

4. The functions related to administrative hearings performed by a Hearing Officer or other individual such as staff support for hearings or Hearing Officers, or the management or administration of hearings or Hearing Officers.

IV. ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL NOT SUBJECT TO TRANSFER

A. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources related to the appeal, review of, or final determination regarding a decision or proposed decision issued by a Hearing Officer for a Department or Agency shall remain with the Department or Agency, and are not transferred under Section III.

B. No authority, powers, duties, functions, responsibilities, property, records, personnel, or funds held by the Civil Service Commission solely under the authority granted to the Commission by Section 5 of Article XI of the Michigan Constitution of 1963 are transferred under Section III, unless approved by the Civil Service Commission.

C. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources involved in any of the following activities related to administrative hearing functions are not transferred to the State Office of Administrative Hearings and Rules under Section III:

1. Hearings conducted by an elected state officer, a member or members of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

2. An informal conference not subject to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, under Michigan law.

3. Any hearings conducted by the State Administrative Board or a committee of the State Administrative Board.
4. Hearings conducted by hearings officers under Part 5 of The Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1501 to 550.1518.
5. Hearings conducted by independent hearings officers selected by the Commissioner of Financial and Insurance Services from a list submitted by the American Arbitration Association under Subsection (3) of Section 2030 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2030.
6. Administrative hearings conducted by the Department of State under any of the following:
 - a. 1978 PA 472, MCL 4.411 to 4.431 (lobbyists, lobbying agents, and lobbying activity).
 - b. The Michigan Notary Public Act, 2003 PA 238, MCL 55.261 to 55.315.
 - c. The Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992.
 - d. The Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 to 169.282.
 - e. The Driver Education and Training Schools Act, 1974 PA 369, MCL 256.601 to 256.612.
 - f. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
 - g. The Motor Vehicle Service and Repair Act, 1974 PA 300, MCL 257.1301 to 257.1340.
 - h. Section 80190 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80190 (marine safety).
 - i. Section 81140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81140 (off-road recreation vehicles).
 - j. Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160 (snowmobiles).

V. TRANSFER OF ADMINISTRATIVE RULE PROCESSING AND REVIEW FUNCTIONS

A. All authority, powers, duties, functions, responsibilities, and rule-making authority of the Office of Regulatory Reform are transferred by Type III Transfer to the State Office of Administrative Hearings and Rules created under Section II, including, but not limited to, any authority, powers, duties, functions, responsibilities, or rule-making authority of the Office of Regulatory Reform under any of the following:

1. The Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328.
2. 1970 PA 193, MCL 8.41 to 8.48 (compilation of laws and rules).
3. The Legislative Council Act, 1986 PA 268, MCL 4.1101 to 4.1901.
4. Executive Order 1995-6, MCL 10.151.
5. Executive Order 2000-1, MCL 10.152.
6. Executive Order 2002-11, MCL 10.153.

B. The position of Administrative Rules Manager is created within the State Office of Administrative Hearings and Rules. The powers, duties, functions, responsibilities, and rule-making authority transferred under this Section V shall be administered within the SOAHR under the direction of the Administrative Rules Manager.

C. The Director of the Department of Labor and Economic Growth, in consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of all transfers to the State Office of Administrative Hearings and Rules under this Section V.

D. The Director of the Department of Management and Budget shall immediately initiate coordination with the Department of Labor and Economic Growth to facilitate the transfers and develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Management and Budget or the Office of Regulatory Reform related to the transfers under this Section V.

E. The Office of Regulatory Reform is abolished.

VI. MISCELLANEOUS

A. An individual designated by the Governor as the Administrative Hearing Consolidation Transition Director shall be responsible for coordination of the implementation of Section III. The Administrative Hearing Consolidation Transition Director and the director of each principal department that includes a Department or Agency affected by this Order shall jointly identify the positions that will be transferred to the State Office of Administrative Hearings and Rules under Section III, consistent with this Order. The Administrative Hearing Consolidation Transition Director and the director of each principal department that includes a Department or Agency affected by this Order shall make every effort to develop agreements specifying the positions that will be transferred under Section III by the effective date of this Order. In the event of a failure to reach agreement on the positions to be transferred under Section III, the Administrative Hearing Consolidation Transition Director shall develop a written recommendation specifying the positions to be transferred and submit the recommendation to the Governor for consideration and approval. All transfers to the SOAHR shall be consistent with this Order and documented by a memorandum of understanding between the director of the principal department that includes a Department or Agency affected by this Order and the Director of the Department of Labor and Economic Growth.

B. The Administrative Hearing Consolidation Transition Director, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers to the State Office of Administrative Hearings and Rules under Section III.

C. The Administrative Hearing Consolidation Transition Director, in consultation with the Director of the Department of Labor and Economic Growth, shall immediately initiate coordination with Departments and Agencies to facilitate the transfers under Section III. Each principal department that includes a Department or Agency affected by the transfers under Section III shall issue, after consultation with the Administrative Hearings Consolidation Transition Director, a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the transferring departments and agencies related to the transfers under Section III.

D. Departments and Agencies and state officers shall fully and actively cooperate with the State Office of Administrative Hearings and Rules and the Administrative Hearings Consolidation Transition Director in the implementation of this Order. The Executive Director of the SOAHR may request the assistance of other Departments and Agencies and state officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and such departments and agencies shall provide such assistance.

E. The Executive Director of the State Office of Administrative Hearings and Rules shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

F. The Executive Director of the State Office of Administrative Hearings and Rules in writing may delegate within the SOAHR a duty or power conferred on the Executive Director of the SOAHR by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Executive Director of the SOAHR.

G. The Executive Director of the State Office of Administrative Rules, or his or her designee, may hire or retain such contractors, subcontractors, advisors, consultants, and agents as the Executive Director may deem advisable and necessary, in accordance with the relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of powers and performance of the duties of the SOAHR and its Executive Director. Under this provision, the Executive Director of the SOAHR, or his or her designee, may specifically hire or retain such contractors, sub-contractors, advisors, consultants, and agents as the Executive Director may deem advisable and necessary to provide legal advice, legal services, arbitration services or mediation services, to provide for research and development activity, and to provide strategic planning services, in accordance with the relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget.

H. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred under this Order to the State Office of Administrative Hearings and Rules are transferred to the State Office of Administrative Hearings and Rules.

I. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this Order.

J. All rules, orders, contracts, and agreements relating to the functions transferred to the State Office of Administrative Hearings and Rules under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

K. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

L. After the effective date of this Order, and as necessary to accomplish the missions and goals of executive branch departments and agencies, the Executive Director of the State Office of Administrative Hearings and Rules or the director of a principal department of state government may petition the State Administrative Board to detail an employee or a position transferred to the SOAHR from a department under the provisions of this Section III back to the department of origin, or a successor department. Consistent with the authority of the State Administrative Board under Section 3 of 1921 PA 2, MCL 17.3, to exercise general supervisory control over the functions and activities of all administrative departments, boards, commissions, and officers of this state and to order an interchange or transfer of employees between departments, boards, commissions, and state institutions when necessary, the State Administrative Board may, in its discretion and to the extent authorized by law, order the requested transfer.

M. Nothing in this Order shall be construed to diminish or limit the power of the Civil Service Commission to exercise authority granted to the Commission under Section 5 of Article XI of the Michigan Constitution of 1963.

N. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective March 27, 2005 at 12:00 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of January, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received on January 14, 2005, and read:

EXECUTIVE ORDER
No. 2005-2

**Department of Information Technology
Department of State Police**

Michigan Public Safety Communications System

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 1 of 1929 PA 152, MCL 28.281, the Michigan Public Safety Communications System is Michigan's 800-megahertz radio system and telecommunications network, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and maintenance of the Michigan Public Safety Communications System;

WHEREAS, under Section 2 of 1929 PA 152, MCL 28.282, the Director of the Department of State Police and the Director of the Department of Management and Budget were given responsibility for the construction, implementation, operation, and maintenance of the Michigan Public Safety Communications System;

WHEREAS, all of the powers, duties, functions, responsibilities, personnel, equipment and budgetary resources involved in or related to the provision of information technology services located within any executive branch department or agency, including the Michigan Public Safety Communications System, were transferred by Executive Order 2001-3, MCL 18.41, to the Department of Information Technology;

WHEREAS, Executive Order 2001-3 was implemented in such a way that the Department of Information Technology currently provides technical management services for the Michigan Public Safety Communications System infrastructure pursuant to the Michigan State Police's public safety policy and program direction and that the Department of Management and Budget has authority with respect to MPSCS-related real estate and procurement matters under The Management and Budget Act, 1984 PA 431, MCL 18.1101 to 18.1594, and Section 2(1) of 1929 PA 152, MCL 28.282(1);

WHEREAS, the consolidation of functions related to the Michigan Public Safety Communications System will contribute to a more unified and cost-effective approach for managing information technology among all executive branch departments and agencies, provide consistent professional management of this state's information technology resources, and aid the effective operation and maintenance of the Michigan Public Safety Communications System for police and public safety purposes;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Department of State Police" means the principal department created under Section 2 of 1935 PA 59, MCL 28.2; and under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

B. "Department of Management and Budget" means the principal department created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

D. "Michigan Public Safety Communications System" or "MPSCS" means Michigan's 800-megahertz radio system and telecommunications network, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and maintenance of the MPSCS established under Section 1 of 1929 PA 152, MCL 28.281.

II. TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATED TO THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM

A. Except for the statutory authority, powers, duties, functions, and responsibilities of the Department of State Police under Section 3(1) of 1929 PA 152, MCL 28.283(1), all the statutory authority, powers, duties, functions, and responsibilities of the Department of State Police under 1929 PA 152, MCL 28.281 to 28.283, are transferred to the Department of Information Technology.

B. The transfer of authority, powers, duties, functions, and responsibilities to the Department of Information Technology includes authority related to or necessary to implement the transfer of authority, powers, duties, functions, and responsibilities under this Order. The Department of Management and Budget shall continue to exercise its authority with respect to MPSCS-related real estate and procurement matters under The Management and Budget Act, 1984 PA 431, MCL 18.1101 to 18.1594, and Section 2(1) of 1929 PA 152, MCL 28.282(1).

C. Exercise of the authority, powers, duties, functions, and responsibilities transferred to the Department of Information and Technology under this Order, shall include, but not be limited to, all of the following duties and responsibilities related to public safety communications and interoperability:

1. Promotion of seamless, coordinated, and integrated public safety wireless communications within Michigan, the Great Lakes region, and nationally, for the safe, effective, and efficient protection of life and property.

2. Promotion, coordination, and administration of available state and federal funding.

3. Promotion, coordination, and administration of the efficient use of radio spectrum standards-based technology and appropriate security measures for the betterment of public safety wireless communications in Michigan.

4. Planning for and coordination of public safety wireless interoperability among local, state, tribal, and federal wireless networks in Michigan for public safety purposes.

5. Monitoring, making recommendations, and reporting to the Governor and the Legislature on necessary changes in the statutory, regulatory, fiscal, and technical environment to ensure the continued development of up-to-date interoperability solutions in the interests of public safety and homeland security.

III. IMPLEMENTATION

A. The Directors of the Department of Information Technology, Department of Management and Budget, and the Department of State Police shall immediately initiate coordination to facilitate the implementation of the transfers under this Order.

B. The Director of the Department of Information Technology, after consultation with the Directors of the Department of Management and Budget and the Department of State Police, shall provide executive direction and supervision for the implementation of the transfers to the Department of Information Technology under this Order. The functions transferred shall be administered under the direction and supervision of the Director of the Department of Information Technology, including but not limited to, any prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

C. All records, personnel, property, and funds used, held, employed, available, or to be made available to the Departments of State Police, for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department of Information Technology.

D. The Directors of the Department of Michigan State Police and the Department of Information Technology shall develop a memorandum of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the Department of State Police.

E. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Director of the Department of Information Technology.

F. The Director of the Department of Information Technology may perform a duty or exercise a power conferred by law or executive order upon the Director at the time and to the extent the duty or power is delegated to the Director by law or order.

G. The Director of the Department of Information Technology may by written instrument delegate within the Department of Information Technology a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Information Technology.

H. The Director of the Department of Information Technology shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

IV. MISCELLANEOUS

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

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. This Order shall not be construed to impair a bond or debt obligation of the State Building Authority issued under 1964 PA 183, MCL 830.411 to 830.425.

D. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order are effective March 27, 2005 at 12:00 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of January, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 3 of 1972 PA 344, MCL 290.703, please be advised of the following reappointment to office:

Agricultural Marketing and Bargaining Board

Mr. Timothy O. Brian, a Republican, of 9253 Tenth Street, Interlochen, Michigan 49643, county of Grand Traverse, reappointed to represent processors, for a term expiring September 1, 2008.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office pursuant to Section 3 of 1965 PA 114, MCL 290.553:

Michigan Bean Commission

Mr. Jack C. Frank of 2080 Wheeler Road, Bay City, Michigan 48706, county of Bay, succeeding Gene VanDriessche, whose term has expired, representing District 1 growers, for a term commencing January 12, 2005 and expiring December 31, 2007.

Mr. Lowell F. Anderson of 3531 East Lincoln Road, St. Louis, Michigan 48880, county of Gratiot, reappointed to represent District 2 growers, for a term expiring December 31, 2007.

Ms. Fran K. Arbogast Carlson of 4795 Reed Road, Howard City, Michigan 49329, county of Montcalm, reappointed to represent District 7 growers, for a term expiring December 31, 2007.

Mr. Neal S. Gettel of 3383 Volz Road, Sebawaing, Michigan 48759, county of Huron, reappointed to represent District 6 growers, for a term expiring December 31, 2007.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753:

Board of Boiler Rules

Mr. Dennis A. Rupert of 4411 Mechanic Road, Hillsdale, Michigan 49242, county of Hillsdale, appointed to represent antique steam boiler owners and operators, for a term commencing January 12, 2005 and expiring June 30, 2008.

Mr. Frank A. Wiechert of 18844 Chandler Park Drive, Detroit, Michigan 48236, county of Wayne, succeeding James Lapham, whose term has expired, representing organized labor in the state engaged in the erection, fabrication, installation, operation, or repair of boilers, for a term commencing January 12, 2005 and expiring June 30, 2008.

Mr. Richard J. Kirsch of 14081 Pheasant Run, Holland, Michigan 49424, county of Ottawa, reappointed to represent owners and users of boilers operating at 1000 p.s.i.g. or more, for a term expiring June 30, 2008.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Carrot Committee

Mr. Steven D. Bouwkamp of 13412 South Spruce Avenue, Grant, Michigan 49327, county of Newaygo, succeeding Thomas Bury, whose term has expired, representing fresh growers, for a term commencing January 12, 2005 and expiring September 25, 2005.

Mr. Ryan P. Malburg of 936 Jackson Road, Hart, Michigan 49420, county of Oceana, succeeding Neil Holladay, whose term has expired, representing process growers, for a term commencing January 12, 2005 and expiring September 25, 2007.

Mr. Glenn R. Vogel of 6726 West Lake Drive, Fremont, Michigan 49412, county of Newaygo, succeeding Kenneth Omen, whose term has expired, representing process growers, for a term commencing January 12, 2005 and expiring September 25, 2005.

Mr. Gary L. Brandt of 116 Pennell Road, Imlay City, Michigan 48444, county of Lapeer, reappointed to represent fresh growers, for a term expiring September 25, 2007.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 5 of Article XI of the Michigan Constitution of 1963:

Civil Service Commission

Mr. F. Thomas Lewand, a Democrat, of 323 Greenwood, Birmingham, Michigan 48009, county of Oakland, reappointed for a term expiring December 31, 2012.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 2402(2)(d) and 2402(4) of The Insurance Code of 1956, 1956 PA 218, MCL 500.2402:

Data Collection Agency Governing Board

Mr. Bruno R. Czyrka of 7344 Pine Manor, Grand Ledge, Michigan 48185, county of Eaton, reappointed to represent the executive branch of state government, for a term expiring December 31, 2005.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Section 4 of the Michigan Gaming Control and Revenue Act, Initiated Law of 1996, MCL 432.204:

Michigan Gaming Control Board

Mr. Damian S. Kassab, a Republican, of 1040 West Snell, Rochester, Michigan 48306, county of Oakland, reappointed for a term expiring December 31, 2008.

Mr. Donald L. Robinson, a Democrat, of 9000 East Jefferson #25-10, Detroit, Michigan 48214, county of Wayne, reappointed for a term expiring December 31, 2008.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1:

Michigan Historical Commission

Mr. Edward D. Surovell of 1000 Forest Road, Ann Arbor, Michigan 48105, county of Washtenaw, nominated by and representing the Historical Society of Michigan, for a term commencing January 12, 2005. In the event it is determined that Michigan law authorizes Mr. Surovell to serve a four-year term, he is appointed for a term expiring on May 21, 2008. In the event it is determined that Michigan law authorizes Mr. Surovell to serve a six-year term, he is appointed for a term expiring on May 21, 2010.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to office under Section 91 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.191:

Investment Advisory Committee

Mr. Robert E. Swaney, Jr., of 88 Touraine Road, Grosse Pointe Farms, Michigan 48236, county of Wayne, reappointed to represent the general public, for a term expiring December 15, 2007.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17421 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17421:

Michigan Board of Optometry

Ms. Danna D. Haba, O.D., of 2870 Nickelby Drive, Shelby Township, Michigan 48316, county of Macomb, succeeding Roger Seelye, whose term has expired, representing optometrists, for a term commencing January 12, 2005 and expiring June 30, 2008.

Mr. Donald W. Lakin, O.D., of 44260 Boulder Drive, Clinton Township, Michigan 48316, county of Macomb, succeeding Theodore Walton, whose term has expired, representing optometrists, for a term commencing January 12, 2005 and expiring June 30, 2008.

Mr. David C. McClintic, O.D., of 6028 Bradford Street, Portage, Michigan 49024, county of Kalamazoo, succeeding Bradley Habermehl, whose term has expired, representing optometrists, for a term commencing January 12, 2005 and expiring June 30, 2008.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 3 of the Older Michigianians Act, 1981 PA 180, MCL 400.583:

Commission on Services to the Aging

Mr. Owen F. Bieber, a Democrat, of 901 Amber Ridge, S.W., Byron Center, Michigan 49315, county of Kent, succeeding Donald Hoffman, whose term has expired, appointed for a term commencing January 12, 2005 and expiring July 28, 2007.

Mr. Albert M. Lewis, an Independent, of 2129 Lambertson Creek Lane, N.E., Grand Rapids, Michigan 49505, county of Kent, succeeding Ann Shoop, whose term has expired, appointed for a term commencing January 12, 2005 and expiring on July 28, 2007.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Soybean Promotion Committee

Mr. Mark L. Bierlein of 1758 Meridian Street, Reese, Michigan 48757, county of Tuscola, succeeding Gary Higgins, whose term has expired, representing District 5 growers, for a term commencing January 12, 2005 and expiring October 10, 2006.

Mr. Richard A. Welden of 1900 East Hastings Lake Road, Jonesville, Michigan 49250, county of Hillsdale, succeeding Curt Albright, whose term has expired, representing District 2 growers, for a term commencing January 12, 2005 and expiring October 10, 2006.

Mr. James B. Domagalski of 9700 Dolan Road, Columbus, Michigan 48063, county of St. Clair, reappointed to represent District 4 growers, for a term expiring October 10, 2006.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005:

Michigan Strategic Fund Board of Directors

Ms. Linda K. Ewing of 469 St. Clair Avenue, Grosse Pointe, Michigan 48230, county of Wayne, succeeding Linda Jolicoeur, who has resigned, representing the private sector, for a term commencing January 12, 2005 and expiring December 31, 2007.

Mr. Jayprakash B. Shah of 182 Dourdan Place, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Facundo Bravo, whose term has expired, representing the private sector, for a term commencing January 12, 2005 and expiring December 31, 2007.

January 12, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 2 of the Michigan Tourism Policy Act, 1945 PA 106, MCL 2.102:

Michigan Travel Commission

Mr. Kenneth L. Hayward of 1366 Silkwood, Okemos, Michigan 48864, county of Ingham, succeeding Jill P. Hazel, whose term has expired, representing owners and operators of for-profit businesses from the private sector of travel, tourism, and recreation industry, for a term commencing January 12, 2005 and expiring August 20, 2008.

Mr. Arthur L. Tebo of 01580 North Shore Drive, P.O. Box 519, Walloon Lake, Michigan 49796, county of Charlevoix, succeeding Jeffrey Tuma, whose term has expired, representing owners and operators of small businesses, for a term commencing January 12, 2005 and expiring August 20, 2008.

January 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 302 and 2203 of the Occupational Code, 1980 PA 299, MCL 339.302 and MCL 339.2203:

Board of Landscape Architects

Ms. Patricia S. Cornelisse of 818 Sarasota Avenue, Grand Rapids, Michigan 49546, county of Kent, succeeding Ralph L. Nunez, whose term has expired, representing landscape architects, for a term commencing January 20, 2005 and expiring June 30, 2008.

Mr. Michael J. Dul of 77 Barden Court, Bloomfield Hills, Michigan 48304, county of Oakland, succeeding Roger M. Sabine, whose term has expired, representing landscape architects, for a term commencing January 20, 2005 and expiring June 30, 2007.

January 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Section 22 of The Public School Employees Retirement Act of 1979, 1980 PA 300, MCL 38.1322:

Public School Employees' Retirement Board

Mr. Edwin E. Martinson of 418 Midland Avenue, Ironwood, Michigan 49938, county of Gogebic, succeeding Mark Pontti, who has resigned, representing an elected member of a reporting unit's board of control, for a term commencing January 20, 2005 and expiring March 30, 2008.

January 20, 2005

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment to state office under Sections 22 and 22a of the Michigan Election Law, 1954 PA 116, MCL 168.22 and 168.22a:

Board of State Canvassers

Ms. Dorothy E. Jones, a Democrat, of 263 Kirk Avenue, Ypsilanti, Michigan 48197, county of Washtenaw, reappointed for a term expiring January 31, 2009.

Ms. Lyn R. Bankes, a Republican, of 16834 Bell Creek Lane, Livonia, Michigan 48154, county of Wayne, succeeding Eric J. Pelton, whose term will expire January 31, 2005, appointed for a term commencing February 1, 2005 and expiring January 31, 2009.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 14, 2005

Due to typographical errors on the January 12, 2005 letter filed with your office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, please be advised of the following corrections:

Michigan Carrot Committee

Mr. Steven D. Bouwkamp of 13412 South Spruce Avenue, Grant, Michigan 49327, county of Newaygo, succeeding Thomas Bury, whose term has expired, representing fresh growers, for a term commencing January 12, 2005 and expiring **October 31, 2005**.

Mr. Ryan P. Malburg of 936 Jackson Road, Hart, Michigan 49420, county of Oceana, succeeding Neil Holladay, whose term has expired, representing process growers, for a term commencing January 12, 2005 and expiring **October 31, 2007**.

Mr. Glenn R. Vogel of 6726 West Lake Drive, Fremont, Michigan 49412, county of Newaygo, succeeding Kenneth Oomen, whose term has expired, representing process growers, for a term commencing January 12, 2005 and expiring **October 31, 2005**.

Mr. Gary L. Brandt of 116 Pennell Road, Imlay City, Michigan 48444, county of Lapeer, reappointed to represent fresh growers, for a term expiring **October 31, 2007**.

January 14, 2005

Due to a typographical error on the January 6, 2005 letter filed with your office pursuant to Section 2 of 1960 PA 77, MCL 390.952, please be advised of the following correction:

Michigan Higher Education Assistance Authority

Ms. Colleen M. McNamara of 4276 Tacoma Boulevard, Okemos, Michigan 48864, county of Ingham, succeeding Donald Nugent, whose term has expired, representing Michigan State University, for a term commencing January 6, 2005 and expiring May 22, 2008.

The Honorable Jack D. Minore of 610 Commonwealth Avenue, Flint, Michigan 48503, county of Genesee, succeeding Sarah Richardville, whose term has expired, representing citizens of the state, for a term commencing January 6, 2005 and expiring May 22, 2008.

Ms. Gina M. Torielli of 1810 Marie Circle, West Bloomfield, Michigan 48302, county of Oakland, succeeding Julianne Princinsky, whose term has expired, representing **private colleges**, for a term commencing January 6, 2005 and expiring May 22, 2008.

Mr. James E. Barker IV of 1640 Bretton Drive North, Rochester Hills, Michigan 48309, county of Oakland, reappointed to represent an eligible lending institution, for a term expiring May 22, 2008.

January 14, 2005

Due to typographical errors on the January 12, 2005 letter filed with your office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657, please be advised of the following corrections:

Michigan Soybean Promotion Committee

Mr. Mark L. Bierlein of 1758 Meridian Street, Reese, Michigan 48757, county of Tuscola, **appointed to represent** District 5 growers, for a term commencing January 12, 2005 and expiring **September 23, 2006**.

Mr. Richard A. Welden of 1900 East Hastings Lake Road, Jonesville, Michigan 49250, county of Hillsdale, **appointed to represent** District 2 growers, for a term commencing January 12, 2005 and expiring **September 23, 2006**.

Mr. James B. Domagalski of 9700 Dolan Road, Columbus, Michigan 48063, county of St. Clair, reappointed to represent District 4 growers, for a term expiring **September 23, 2006**.

Sincerely,
Jennifer M. Granholm
Governor

The messages were referred to the Committee on Government Operations.

Resolutions

House Concurrent Resolution No. 1.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Tuesday, February 8, 2005, at 6:30 p.m., to receive the message of Governor Jennifer M. Granholm.

The House of Representatives has adopted the concurrent resolution.

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

Senator Hammerstrom moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Birkholz, Cassis, Goschka, Jacobs, Switalski and Toy were named co-sponsors of the concurrent resolution.

Senator Hammerstrom offered the following concurrent resolution:

Senate Concurrent Resolution No. 3.

A concurrent resolution prescribing the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the following be and are hereby adopted as the Joint Rules of the Senate and House of Representatives:

**JOINT RULES OF THE
SENATE AND HOUSE OF REPRESENTATIVES**

Transmission of Messages.

Rule 1. All messages necessary for conducting legislative business between the two Houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

Amendments.

Rule 2. It shall be in the power of either House to amend an amendment made by the other to any bill or resolution.

Conference Committees.

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both Houses, the bill or resolution shall be referred to the conference committee. When one House amends or substitutes a bill, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred. The conference committee shall serve until the conference report has been adopted by both Houses or rejected by a House.

(b) The conference committees of the two Houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, in the House of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House the bill or resolution and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Conference Committee Clerk.

Rule 4. The conference committee clerk shall be from the House of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each House indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel for clerks.

Conference Report: Rejection.

Rule 5. If the conference report is rejected by the House of origin, it shall appoint second conferees and notify the other House of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other House, it shall appoint second conferees, notify the House of origin of its action, and transmit the bill or resolution to the House of origin. Upon receipt of the bill or resolution, the House of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Disagreement of Conferees.

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both Houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the House of origin. Both Houses shall appoint second conferees, and the House of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

Second Conference: Failure.

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either House, no further conference is in order.

Power of Conferees.

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses.

For all bills making appropriations, adoption of a substitute by either House shall not open identical provisions contained in the other House-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either House open provisions not contained in either House version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

Adoption of Conference Report.

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by “yeas” and “nays” and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a House by a majority vote in that House, provided that a copy of the conference report has been made available to each Member.

Conference Reports: Points of Order.

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

Either House May Recede.

Rule 11. At any time while in possession of the bill or resolution, either House may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other House for that purpose. If this further action is agreed to by both Houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

Correction of Errors.

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both Houses, the House in which the bill or resolution originated may make amendments to correct the errors and shall notify the other House of its action. If the corrective amendments are agreed to by the other House, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

Bills and Joint Resolutions.

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

Yeas and Nays.

Rule 14. The yeas and nays shall be taken and printed in the Journal of the House taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other House to a bill or joint resolution.

No Members Present.

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that House to order at the designated time and announce the absence of a quorum. That House shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both Houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both Houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate’s constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate

Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

Passage, Adoption, and Enrollment Printing.

Rule 16. Every bill passed or joint resolution adopted by both Houses and returned to the House of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the House having last passed the bill or adopted the joint resolution requests its return and such request be granted or a motion is made in the House of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either House shall be transmitted to the other House. If notice of a motion to reconsider on the next succeeding legislative day is made from the floor or written notice is filed with the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, the bill, joint resolution, or concurrent resolution shall remain in that House until after adjournment the next succeeding legislative day. The notice of reconsideration shall be printed on the daily calendar and in the Journal. If no motion is made in accordance with such notice, the bill, joint resolution, or concurrent resolution shall immediately be transmitted after adjournment.

Immediate Effect.

Rule 17. Whenever both Houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

Joint Resolutions.

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each House for adoption. Other joint resolutions shall require a majority of the members elected and serving in each House for adoption. All joint resolutions shall require a record roll call vote.

Veto Override: Filing with Secretary of State.

Rule 19. When a bill is passed by both Houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the House of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both Houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

Section Numbers of Compiled Laws - Amendments.

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The judiciary act of 1915,") shall be used in acts where it has been defined by legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the House other than the House of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both Houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

Tie-bars.

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either House until the tie-barred item has been designated in the appropriate blank space provided.

Elections in Joint Convention.

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective Houses, printed in the Journal of each House, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

Legislative Handbook.

Rule 23. The initial appointment of the standing committee members of the two Houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

Compensation.

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

Committee Expenses.

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

Final Adjournment of Regular Sessions.

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

Daily Adjournment.

Rule 27. Neither House shall remain in session on any legislative day beyond 12:00 midnight. If either House is in session at 12:00 midnight, the presiding officer shall declare that House adjourned until a fixed hour for meeting on the next legislative day. That House shall stand adjourned until the next fixed meeting time.

Pending Business.

Rule 28. Any business, bill, or joint resolution which has not been defeated by either House shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either House, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

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

Senator Hammerstrom moved that the rule be suspended.

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

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

Senate Concurrent Resolution No. 1.

A concurrent resolution granting authority for adjournment for more than 2 days.

(For text of resolution, see Senate Journal No. 1, p. 21.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 2.

A concurrent resolution prescribing the Joint Convention Rules for the Legislature.

(For text of resolution, see Senate Journal No. 1, p. 21.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

I have truly been pleased with real progress being made throughout my district. Last month, I participated in a groundbreaking ceremony in Highland Park for a new housing construction project that will bring 153 single-family

homes to a neighborhood that was previously riddled with blight. I learned yesterday that the DEQ announced the denial of a permit application from Michigan Waste Services for the last remaining medical waster incinerator in the state of Michigan, located in the city of Hamtramck. This was a hard-fought battle by the residents of Hamtramck, and I am happy to see that their grassroots efforts were effective and will hopefully lead to the official closure of this incinerator.

And though these are surely significant victories for many residents of Senate District No. 2, I remain steadfast in my conviction to bring not only my constituents, but other citizens in this state, some real relief with their insurance premiums. I will continue working on this issue until rates become more uniform, more fairly distributed, and all residents in the state of Michigan receive fair and equitable insurance rates.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator Thomas introduced

Senate Joint Resolution A, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 21 and 23 of article V, to provide for the election of the insurance commissioner.

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

Senator Switalski introduced

Senate Bill No. 28, entitled

A bill to amend the Initiated Law of 1976, entitled "A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies," by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

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

Senator Switalski introduced

Senate Bill No. 29, entitled

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

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

Senator Switalski introduced

Senate Bill No. 30, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112a (MCL 324.3112a), as amended by 2004 PA 72.

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

Senator Switalski introduced

Senate Bill No. 31, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 33 and 35 (MCL 169.233 and 169.235), section 33 as amended by 1999 PA 238 and section 35 as amended by 2000 PA 75.

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

Senator Switalski introduced

Senate Bill No. 32, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 2004 PA 199.

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

Senator Switalski introduced

Senate Bill No. 33, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2543 (MCL 600.2543), as amended by 2004 PA 328.

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

Senator Jacobs introduced

Senate Bill No. 34, entitled

A bill to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

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

Senator Thomas introduced

Senate Bill No. 35, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 202 (MCL 500.202).

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

Senator Thomas introduced

Senate Bill No. 36, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 12 (MCL 169.212), as amended by 2001 PA 250.

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

Senator Thomas introduced

Senate Bill No. 37, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 643, and 697 (MCL 168.71, 168.72, 168.74, 168.75, 168.76, 168.77, 168.78, 168.79, 168.80, 168.81, 168.82, 168.83, 168.84, 168.85, 168.86, 168.643, and 168.697), section 71 as amended by 1999 PA 218, section 74 as amended by 1999 PA 216, and section 643 as amended by 2003 PA 302.

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

Senator Thomas introduced

Senate Bill No. 38, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Senator Thomas introduced

Senate Bill No. 39, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2106 and 2109 (MCL 500.2106 and 500.2109) and by adding section 2107a.

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

Senator Thomas introduced
Senate Bill No. 40, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending section 605 (MCL 37.2605), as amended by 1992 PA 124.

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

Senator Thomas introduced
Senate Bill No. 41, entitled

A bill to define and prohibit racial profiling; to prescribe the powers and duties of certain state and local officials; to require training in racial sensitivity under certain conditions; to establish a grant program and provide appropriations; and to prescribe penalties and certain remedies for the effects of racial profiling incidents.

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

Senator Thomas introduced
Senate Bill No. 42, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 1998 PA 237.

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

Senator Thomas introduced
Senate Bill No. 43, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Thomas introduced
Senate Bill No. 44, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.
The bill was read a first and second time by title and referred to the Committee on Education.

Senator Thomas introduced
Senate Bill No. 45, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.
The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Thomas introduced
Senate Bill No. 46, entitled

A bill to establish the prostate cancer research fund 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 bill was read a first and second time by title and referred to the Committee on Finance.

Senator Hammerstrom introduced
Senate Bill No. 47, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2004 PA 173.

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

Senator Johnson introduced
Senate Bill No. 48, entitled

A bill to amend 1964 PA 183, entitled "An act creating the state building authority with power to acquire, construct, furnish, equip, own, improve, enlarge, operate, mortgage, and maintain facilities for the use of the state or any of its

agencies; to act as a developer or co-owner of facilities as a condominium project for the use of the state or any of its agencies; to authorize the execution of leases pertaining to those facilities by the building authority with the state or any of its agencies; to authorize the payment of true rentals by the state; to provide for the issuance of revenue obligations by the building authority to be paid from the true rentals to be paid by the state and other resources and security provided for and pledged by the building authority; to authorize the creation of funds; to authorize the conveyance of lands by the state or any of its agencies for the purposes authorized in this act; to authorize the appointment of a trustee for bondholders; to permit remedies for the benefit of parties in interest; to provide for other powers and duties of the authority; and to provide for other matters in relation to the authority and its obligations," by amending section 7 (MCL 830.417), as amended by 1994 PA 252.

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

Senator Johnson introduced

Senate Bill No. 49, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 537 and 1025 (MCL 436.1537 and 436.2025), section 537 as amended by 2001 PA 223 and section 1025 as amended by 2002 PA 725.

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

Senator Johnson introduced

Senate Bill No. 50, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 545.

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

Senator Scott introduced

Senate Bill No. 51, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Senator Barcia introduced

Senate Bill No. 52, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

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

Senators Brown, Patterson and Bishop introduced

Senate Bill No. 53, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17c (MCL 777.17c), as added by 2002 PA 28.

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

Senators Brown, Patterson and Bishop introduced

Senate Bill No. 54, entitled

A bill to amend 1979 PA 53, entitled "An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; to prohibit the sending of certain electronic messages; and to prescribe penalties," by amending section 7 (MCL 752.797), as amended by 2000 PA 180, and by adding section 5b.

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

Senators Johnson and Sikkema introduced

Senate Bill No. 55, entitled

A bill to authorize the implementation and administration of a medical insurance plan for certain school employees; to provide for its creation and operation; and to prescribe powers and duties of certain state officers and agencies.

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

Senators Johnson and Sikkema introduced

Senate Bill No. 56, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," (MCL 423.201 to 423.217) by adding section 15a.

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

Senators Cherry, Jacobs, Scott, Goschka, Garcia and Bernero introduced

Senate Bill No. 57, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1505.

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

Senator Cherry introduced

Senate Bill No. 58, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," (MCL 484.1101 to 484.1717) by adding section 408a.

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

Senators Cherry, Jacobs and Goschka introduced

Senate Bill No. 59, entitled

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending section 7 (MCL 551.7), as amended by 1983 PA 64.

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

Senators Cherry, Jacobs, Switalski, Goschka and Olshove introduced

Senate Bill No. 60, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 6c (MCL 722.26c), as added by 1993 PA 259.

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

Senators Cherry, Jacobs, Switalski, Goschka and Olshove introduced

Senate Bill No. 61, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 78 (MCL 211.78), as added by 1999 PA 123.

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

Senators Cherry, Jacobs, Goschka, Garcia and Olshove introduced

Senate Bill No. 62, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 2002 PA 192.

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

Senators Cherry, Jacobs, Schauer, Emerson, Scott, Switalski, Barcia, Brater, Thomas, Clark-Coleman, Basham, Clarke, Olshove, Prusi and Bernero introduced

Senate Bill No. 63, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 2004 PA 92.

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

Senators Jelinek and Basham introduced

Senate Bill No. 64, entitled

A bill to provide for the levy, collection, and administration of an excise tax on the privilege of using certain nonbiodegradable products; to provide for certain exemptions; to prescribe certain powers and duties of certain state departments; and to provide for the disbursement of certain tax proceeds.

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

Senators Jelinek, Allen, Hardiman, Basham and Goschka introduced

Senate Bill No. 65, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj. The bill was read a first and second time by title and referred to the Committee on Finance.

Senators Jelinek, Allen and Goschka introduced

Senate Bill No. 66, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57j. The bill was read a first and second time by title and referred to the Committee on Families and Human Services.

Senators Jelinek, Allen and Goschka introduced

Senate Bill No. 67, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 6, 41, 57, and 57a (MCL 400.6, 400.41, 400.57, and 400.57a), section 6 as amended and section 57 as added by 1995 PA 223 and section 57a as amended by 1999 PA 26.

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

Senators Jelinek, Cherry and Goschka introduced

Senate Bill No. 68, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Senators Birkholz, Allen, Goschka and Bernero introduced

Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

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

Senators Birkholz, Allen and Goschka introduced

Senate Bill No. 70, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 360.

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

Senators Birkholz and Goschka introduced

Senate Bill No. 71, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397, and by adding part 50.

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

Senators Birkholz, Garcia, Allen and Goschka introduced

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The bill was read a first and second time by title and referred to the Committee on Education.

Senators Birkholz, Gilbert and Goschka introduced

Senate Bill No. 73, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5505 (MCL 324.5505).

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

Senators Goschka, Allen, Toy, Kuipers, Bernero, Jelinek and Cassis introduced

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

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

Senators Van Woerkom, Gilbert, Allen, Kuipers, Garcia, Goschka, Basham and Thomas introduced

Senate Bill No. 75, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

Senators Van Woerkom, Gilbert, Allen, Kuipers, Garcia, Goschka, Basham and Thomas introduced

Senate Bill No. 76, entitled

A bill to establish the state home heating credit fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the home heating credit fund.

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

Senators Van Woerkom, Gilbert, Allen, Kuipers, Garcia, Goschka, Stamas and Toy introduced

Senate Bill No. 77, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

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

Senator Stamas introduced

Senate Bill No. 78, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Senator McManus introduced

Senate Bill No. 79, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

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

Senator Brown introduced

Senate Bill No. 80, entitled

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

Senator Brown introduced

Senate Bill No. 81, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus

therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

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

Senators Cassis, Switalski, Garcia and Goschka introduced

Senate Bill No. 82, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 161, 191, 281, 321, 342, 381, 391, 409, 411, 426b, 431, and 467 (MCL 168.71, 168.161, 168.191, 168.281, 168.321, 168.342, 168.381, 168.391, 168.409, 168.411, 168.426b, 168.431, and 168.467), sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1999 PA 218, section 321 as amended by 2003 PA 302, and section 381 as amended by 2004 PA 290.

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

Senators Cassis, Allen, Switalski, Garcia and Goschka introduced

Senate Bill No. 83, entitled

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

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

Scheduled Meetings

Education - Thursday, January 27, 2:00 p.m., Room 210, Farnum Building (373-6920)

Technology and Energy - Wednesday, January 26, 3:00 p.m., Room 210, Farnum Building (373-7350)

Senator Hammerstrom moved that the Senate adjourn.

The motion prevailed, the time being 10:38 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Wednesday, January 26, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI

Secretary of the Senate