

**No. 56**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2001**

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House Chamber, Lansing, Tuesday, June 26, 2001.

12:00 Noon.

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

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

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

e/d/s = entered during session

Rep. Mary Ann Middaugh, from the 80th District, offered the following invocation:

“Dear Lord, we pause a moment today before we begin our deliberations on behalf of the citizens of this state, to seek Your guidance and Your direction for the decisions that will be made in this chamber today. Lord, please instill each of us with Your spirit and divine wisdom so that we may make choices that are pleasing in Your sight. All this we ask in Your name, Amen.”

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Rep. Jacobs moved that Reps. Stallworth and Thomas be excused from today’s session.  
The motion prevailed.

### Reports of Standing Committees

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4939, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 114 and 219 (MCL 18.1114 and 18.1219), section 114 as amended by 1990 PA 332 and section 219 as amended by 1999 PA 8.

Without amendment and with the recommendation that the bill pass.

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

#### Favorable Roll Call

**HB 4939** To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,  
Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4940, entitled**

A bill to amend 1982 PA 540, entitled “Library of Michigan act,” by amending the title and sections 2, 3, 4, 5, 6, 7, and 10 (MCL 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, and 397.20), the title and sections 2, 4, and 6 as amended by 1995 PA 190 and sections 3, 5, 7, and 10 as amended by 1983 PA 114; and to repeal acts and parts of acts.

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

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

**HB 4940** To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,  
Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4941, entitled**

A bill to create a department of history, arts, and culture; to provide for its administration; and to provide for its powers, duties, functions, and responsibilities.

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

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

**HB 4941** To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,  
Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4942, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 2, 3, and 5 (MCL 397.172, 397.173, and 397.175), section 3 as amended by 1997 PA 160.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4942** To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,

Nays: None.

The Committee on Commerce, by Rep. Allen, Chair, reported

**House Bill No. 4943, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending the title and sections 2, 3, 6, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, and 23 (MCL 397.552, 397.553, 397.556, 397.559, 397.561, 397.562, 397.564, 397.565, 397.566, 397.567, 397.568, 397.569, 397.570, 397.572, and 397.573), the title and sections 2 and 15 as amended by 1982 PA 541 and section 11 as amended by 1984 PA 432.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

**HB 4943** To Report Out:

Yeas: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Allen, Chair of the Committee on Commerce, was received and read:

Meeting held on: Tuesday, June 26, 2001, at 8:00 a.m.,

Present: Reps. Allen, Bishop, DeVuyst, Gilbert, Koetje, Middaugh, Van Woerkom, Kolb, Rivet, Waters,

Absent: Reps. Howell, Mortimer, Vear, Thomas, Lemmons, Lipsey, Zelenko,

Excused: Reps. Howell, Mortimer, Vear, Thomas, Lemmons, Lipsey, Zelenko.

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Reports of Select Committees**

The Speaker laid before the House the conference report relative to

**House Bill No. 4256, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

(The conference report was reported by the conference committee on June 21, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 55, p. 969.)

The question being on the adoption of the conference report,

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

**Roll Call No. 311****Yeas—104**

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

**Nays—0**

In The Chair: Ehardt

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

The Speaker laid before the House the conference report relative to  
**House Bill No. 4259, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The conference report was reported by the conference committee on June 21, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 55, p. 996.)

The question being on the adoption of the conference report,

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

**Roll Call No. 312****Yeas—104**

Adamini	Frank	Lemmons	Rocca
Allen	Garza	Lipsey	Sanborn
Anderson	George	Lockwood	Schauer
Basham	Gielegem	Mans	Schermesser

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

### Nays—1

Johnson, Ruth

In The Chair: Ehardt

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

Rep. Vander Roest moved that Rep. Jansen be excused temporarily from today's session.  
The motion prevailed.

Rep. Clarke entered the House Chambers.

### First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning  
**House Bill No. 4255, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Recommends:

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

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports;

to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of corrections for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF CORRECTIONS**

APPROPRIATION SUMMARY

Average population .....	50,252	
Full-time equated unclassified positions .....	16.0	
Full-time equated classified positions .....	19,390.5	
<b>GROSS APPROPRIATION</b> .....		\$ 1,737,667,100
Appropriated from:		
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....	5,965,700	
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 1,731,701,400
Federal revenues:		
Total federal revenues .....	28,032,400	
Special revenue funds:		
Total local revenues .....	349,600	
Total private revenues .....	0	
Total other state restricted revenues .....	48,965,500	\$
State general fund/general purpose .....	1,654,353,900	\$

**Sec. 102. EXECUTIVE**

Average population .....	480	
Full-time equated unclassified positions .....	16.0	
Full-time equated classified positions .....	91.5	
Unclassified positions—16.0 FTE positions .....		\$ 1,316,700
Executive direction—89.5 FTE positions .....		8,658,200
Michigan youth correctional facility - management services .....		11,374,400
Michigan youth correctional facility - administration—2.0 FTE positions .....		196,100
Average population .....	480	
Michigan youth correctional facility - lease payments .....	5,589,100	
<b>GROSS APPROPRIATION</b> .....		\$ 27,134,500
Appropriated from:		
Federal revenues:		
Federal revenues and reimbursements .....	17,159,600	
State general fund/general purpose .....	9,974,900	\$

**Sec. 103. ADMINISTRATION AND PROGRAMS**

Full-time equated classified positions .....	409.6	
Planning, research, and information services—83.5 FTE positions .....		\$ 9,449,500
Administrative services—69.6 FTE positions .....		5,787,200
Substance abuse testing and treatment .....		20,075,500
Inmate legal services .....		314,900
Training .....		15,206,800
Training administration—32.5 FTE positions .....		3,604,700
Prison industries operations—224.0 FTE positions .....		15,793,800
Rent .....		2,240,800
Equipment and special maintenance .....		2,054,000
Worker's compensation .....		19,937,400
Compensatory buyout and union leave bank .....		275,000
Prosecutorial and detainer expenses .....		4,051,000
<b>GROSS APPROPRIATION</b> .....		\$ 98,790,600
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDSP, Michigan justice training fund .....	630,300	

	For Fiscal Year Ending Sept. 30, 2002
Federal revenues:	
Federal revenues and reimbursements .....	2,912,500
Special revenue funds:	
Correctional industries revolving fund .....	15,793,800
State general fund/general purpose .....	\$ 79,454,000
<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>	
Average population .....	743
Full-time equated classified positions .....	2,313.2
Field programs .....	\$ 9,324,100
Personnel costs—1,560.0 FTE positions .....	99,412,600
Parole board operations—26.0 FTE positions .....	2,133,000
Loans to parolees .....	204,400
Boot camp-phase III/intensive supervision—72.0 FTE positions .....	3,342,100
Parole/probation services .....	2,286,500
Tether operations—174.3 FTE positions .....	8,793,700
Community residential programs—241.6 FTE positions .....	19,837,600
Average population .....	743
Technical rule violator program—104.3 FTE positions .....	9,562,300
Special alternative incarceration program—135.0 FTE positions .....	10,463,600
GROSS APPROPRIATION .....	\$ 165,359,900
Appropriated from:	
Special revenue funds:	
Local restricted revenues and reimbursements .....	349,600
State restricted revenues and reimbursements .....	16,003,700
State general fund/general purpose .....	\$ 149,006,600
<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
Full-time equated classified positions .....	17.0
Community corrections administration—17.0 FTE positions .....	\$ 1,549,200
Probation residential centers .....	14,997,000
Community corrections comprehensive plans and services .....	13,033,000
Public education and training .....	50,000
Regional jail program .....	100
County jail reimbursement program .....	18,500,000
GROSS APPROPRIATION .....	\$ 48,129,300
Appropriated from:	
Special revenue funds:	
State restricted revenues and reimbursements .....	13,192,100
State general fund/general purpose .....	\$ 34,937,200
<b>Sec. 106. CONSENT DECREES</b>	
Average population .....	400
Full-time equated classified positions .....	577.4
Hadix consent decree—157.0 FTE positions .....	\$ 11,018,900
DOJ consent decree—166.5 FTE positions .....	11,343,300
DOJ psychiatric plan - MDCH mental health services .....	72,811,000
DOJ psychiatric plan - MDOC staff and services—253.9 FTE positions .....	15,732,800
GROSS APPROPRIATION .....	\$ 110,906,000
Appropriated from:	
State general fund/general purpose .....	\$ 110,906,000
<b>Sec. 107. HEALTH CARE</b>	
Full-time equated classified positions .....	974.7
Health care administration—22.0 FTE positions .....	\$ 2,573,500
Hospital and specialty care services .....	47,692,100
Vaccination program .....	1,491,300
Northern region clinical complexes—238.4 FTE positions .....	23,108,800
Southeastern region clinical complexes—421.0 FTE positions .....	44,817,700
Southwestern region clinical complexes—293.3 FTE positions .....	25,844,400
GROSS APPROPRIATION .....	\$ 145,527,800

For Fiscal Year  
Ending Sept. 30,  
2002

Appropriated from:	
Federal revenues:	
Federal revenues and reimbursements .....	85,000
Special revenue funds:	
State restricted revenues and reimbursements .....	100,400
State general fund/general purpose .....	\$ 145,342,400
<b>Sec. 108. CORRECTIONAL FACILITIES-ADMINISTRATION</b>	
Average population .....	1,338
Full-time equated classified positions .....	926.6
Correctional facilities administration—33.0 FTE positions .....	\$ 3,266,800
Housing inmates in federal institutions .....	494,000
Education services and federal education grants—23.0 FTE positions .....	4,598,400
Federal school lunch program .....	712,800
Leased beds .....	100
Inmate housing fund—392.1 FTE positions .....	32,215,600
Average population .....	1,338
Dental lab operations .....	102,300
Academic/vocational programs—478.5 FTE positions .....	37,130,700
GROSS APPROPRIATION .....	\$ 78,520,700
Appropriated from:	
Intradepartmental transfer revenues:	
IDT, dental lab user fees .....	102,300
Federal revenues:	
Federal revenues and reimbursements .....	5,331,000
State general fund/general purpose .....	\$ 73,087,400
<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
Average population .....	14,330
Full-time equated classified positions .....	4,480.2
Alger maximum correctional facility-Munising—381.4 FTE positions .....	\$ 28,245,200
Average population .....	844
Baraga maximum correctional facility-Baraga—448.2 FTE positions .....	32,162,600
Average population .....	1,084
Chippewa correctional facility-Kincheloe—566.7 FTE positions .....	42,920,100
Average population .....	2,322
Kinross correctional facility-Kincheloe—574.3 FTE positions .....	45,303,600
Average population .....	2,423
Marquette branch prison-Marquette—429.8 FTE positions .....	33,524,500
Average population .....	1,129
Newberry correctional facility-Newberry—359.4 FTE positions .....	26,309,600
Average population .....	1,144
Oaks correctional facility-Eastlake—400.8 FTE positions .....	30,245,700
Average population .....	900
Ojibway correctional facility-Marenisco—295.4 FTE positions .....	21,787,800
Average population .....	1,196
Pugsley correctional facility-Kingsley—231.4 FTE positions .....	14,996,300
Average population .....	954
Saginaw correctional facility-Freeland—387.6 FTE positions .....	27,738,600
Average population .....	1,468
Standish maximum correctional facility-Standish—405.2 FTE positions .....	30,301,300
Average population .....	866
GROSS APPROPRIATION .....	\$ 333,535,300
Appropriated from:	
Special revenue funds:	
State restricted revenues and reimbursements .....	1,137,600
State general fund/general purpose .....	\$ 332,397,700



For Fiscal Year  
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2002

**Sec. 110. SOUTHEASTERN REGION CORRECTIONAL FACILITIES**

Average population .....	17,542	
Full-time equated classified positions .....	5,513.0	
Cooper street correctional facility-Jackson—285.2 FTE positions .....		\$ 22,735,200
Average population .....	1,360	
G. Robert Cotton correctional facility-Jackson—427.5 FTE positions .....		32,341,400
Average population .....	1,692	
Charles E. Egeler correctional facility-Jackson—302.8 FTE positions.....		21,072,800
Average population .....	1,006	
Gus Harrison correctional facility-Adrian—542.6 FTE positions.....		40,508,200
Average population .....	2,200	
Huron Valley men’s facility-Ypsilanti—292.8 FTE positions .....		21,761,700
Average population .....	497	
Jackson maximum correctional facility-Jackson—637.0 FTE positions .....		46,800,700
Average population .....	1,556	
Macomb correctional facility-New Haven—388.3 FTE positions .....		26,701,800
Average population .....	1,468	
Mound correctional facility-Detroit—355.4 FTE positions .....		25,494,500
Average population .....	1,044	
Parnall correctional facility-Jackson—298.0 FTE positions .....		23,375,100
Average population .....	1,448	
Ryan correctional facility-Detroit—346.3 FTE positions .....		25,795,500
Average population .....	1,044	
Scott correctional facility-Plymouth—396.7 FTE positions .....		29,209,600
Average population .....	847	
Southern Michigan correctional facility-Jackson—482.6 FTE positions .....		31,323,700
Average population .....	881	
Thumb correctional facility-Lapeer—382.7 FTE positions.....		29,253,800
Average population .....	1,454	
Western Wayne correctional facility-Plymouth—272.1 FTE positions .....		21,549,200
Average population .....	1,045	
Jackson area support and services—103.0 FTE positions.....		18,718,000
<b>GROSS APPROPRIATION.....</b>		<b>\$ 416,641,200</b>

Appropriated from:

Intradepartmental transfer revenues:

IDT, production kitchen user fees .....		5,233,100
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Federal revenues:

Federal revenues and reimbursements .....		2,544,300
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Special revenue funds:

State restricted revenues and reimbursements .....		1,360,900
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State general fund/general purpose .....	\$	407,502,900
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**Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES**

Average population .....	15,419	
Full-time equated classified positions .....	4,087.3	
E.C. Brooks correctional facility-Muskegon—516.3 FTE positions .....		\$ 39,929,900
Average population .....	2,200	
Carson City correctional facility-Carson City—551.8 FTE positions .....		41,638,200
Average population .....	2,200	
Florence Crane correctional facility-Coldwater—398.8 FTE positions .....		30,239,900
Average population .....	1,350	
Deerfield correctional facility-Ionia—208.9 FTE positions.....		16,690,400
Average population .....	960	
Richard A. Handlon Michigan training unit-Ionia—269.0 FTE positions.....		21,462,400
Average population .....	1,315	
Ionia maximum correctional facility-Ionia—371.0 FTE positions.....		26,877,000
Average population .....	636	

	For Fiscal Year Ending Sept. 30, 2002
Lakeland correctional facility-Coldwater—268.9 FTE positions .....	21,608,100
Average population .....	1,200
Muskegon correctional facility-Muskegon—310.4 FTE positions .....	24,905,700
Average population .....	1,310
Pine River correctional facility-St. Louis—225.6 FTE positions.....	17,295,700
Average population .....	960
Riverside correctional facility-Ionia—341.0 FTE positions .....	27,019,100
Average population .....	1,034
St. Louis correctional facility-St. Louis—625.6 FTE positions .....	45,455,400
Average population .....	2,254
GROSS APPROPRIATION.....	\$ 313,121,800
Appropriated from:	
Special revenue funds:	
State restricted revenues and reimbursements .....	1,377,000
State general fund/general purpose .....	\$ 311,744,800

**PART 2  
PROVISIONS CONCERNING APPROPRIATIONS**

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$1,704,257,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$81,843,800.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

**DEPARTMENT OF CORRECTIONS**

Field operations - assumption of county probation staff.....	\$ 36,381,700
Prosecutorial and detainer expenses .....	4,051,000
Public service work projects .....	13,331,000
Community corrections comprehensive plans and services .....	13,033,000
Community corrections probation residential centers.....	14,997,000
Community corrections public education and training .....	50,000
Regional jail program .....	100
TOTAL .....	\$ 81,843,800

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

Sec. 203. As used in this act:

- (a) "Department" or "MDOC" means the Michigan department of corrections.
- (b) "DOJ" means the United States department of justice.
- (c) "FTE" means full-time equated position.
- (d) "IDG" means interdepartmental grant.
- (e) "IDT" means intradepartmental transfer.
- (f) "MDCH" means the Michigan department of community health.
- (g) "MDSP" means the Michigan department of state police.
- (h) "OCC" means community corrections.

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

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

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

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$20,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

Sec. 207. At least 120 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

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

Sec. 209. Funds appropriated in part 1 should not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods and services, or both, are available. Preference should be given to goods and services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable value.

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

Sec. 211. (1) Pursuant to the provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test. The test shall be administered by the department.

(2) Individuals seeking employment with the department who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment.

Sec. 212. The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, academic/vocational services, custody escorts, compassionate visits, union steward activities, public work programs, and emergency services provided to units of government. The revenues and fees collected shall be appropriated for all expenses associated with these services and activities.

Sec. 213. Of the state general fund/general purpose revenue appropriated in part 1, \$546,956,700.00 represents a state spending increase over the amount provided to the department for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal funds received shall supplement funding provided to the department in part 1.

Sec. 214. By September 30, 2002, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the amount of savings realized through the consolidation of special alternative incarceration line items and of facility line items, and how such savings were utilized within their respective line items.

Sec. 214a. By September 30, 2002, the department shall report to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director on the projected expenditure for each prison clinical complex consolidated into a regional clinical complex line item. The report shall include an assessment of the impact of the consolidation of clinical complex line items into regional clinical line items, including, but not limited to, a description of any legislative transfers that would have been necessary except for the consolidation of the former clinical complex line items, and information on any other administrative or operational efficiencies that may have been realized through the consolidation.

Sec. 215. The department shall provide quarterly reports on the Michigan youth correctional facility to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The reports shall provide information relevant to an assessment of the safety and security of the institution, including, but not limited to, information on the number of critical incidents by type occurring at the facility, the number of custody staff at the facility, staff turnover rates, staff vacancy rates, overtime reports, prisoner grievances, and number and severity of assaults occurring at the facility. The reports also shall provide information on programming available at the facility and on program enrollments, including, but not limited to, academic/vocational programs, counseling programs, mental health treatment programs, substance abuse treatment programs, and cognitive restructuring programs.

Sec. 216. The department shall require the contract monitor for the Michigan youth correctional facility to provide a manual to each prisoner at intake that details programs and services available at the facility, the processes by which prisoner complaints and grievances can be pursued, and the identity of staff available at the facility to answer questions regarding the information in the manual. The contract monitor shall obtain written verification of receipt from each prisoner receiving the manual. The contract monitor also shall answer prisoner questions regarding facility programs, services, and grievance procedures.

Sec. 217. The department shall report by April 1, 2002 to the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the amount of milk and milk products produced and distributed and the amount of raw milk purchased, by source, month, and location, during the preceding fiscal year.

Sec. 218. The bureau of health care services shall develop information on hepatitis C prevention and the risks associated with exposure to hepatitis C, and the health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum.

Sec. 219. (1) By April 1, 2002, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of prisoners enrolled in each program, the number of prisoners completing each program, and the number of prisoners on waiting lists for each program.

(b) The steps the department has undertaken to improve programs and reduce waiting lists.

(c) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(d) An identification of program outcomes for each academic and vocational program.

(e) An explanation of the department's plans for academic and vocational programs.

(2) From the funds appropriated in part 1, the department shall contract with an independent third party to prepare a program design and estimated cost for an evaluation of the department's academic and vocational programs. At a minimum, the program design shall include an assessment of the degree to which departmental academic/vocational programs affect parolee employability and recidivism. The department shall cooperate with the contractor and grant the contractor access to departmental records and staff as necessary to complete the program design. By April 1, 2002, the department shall submit the program design and estimated cost of the evaluation to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

Sec. 220. By February 15, 2002, the department shall provide the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director with an annual report on restricted fund balances, projected revenues, and expenditures for the fiscal years ending September 30, 2001 and September 30, 2002.

#### **SUBSTANCE ABUSE TESTING AND TREATMENT**

Sec. 301. (1) The department shall screen and assess each prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) Subject to the availability of funding resources, the department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Sec. 302. (1) In expending residential substance abuse treatment services funds appropriated by this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By April 1, 2002, the department shall report to the house and senate appropriations subcommittees on corrections and the house and senate fiscal agencies on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse administration and testing line item. Information required by this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including at a minimum a distinction between prisoners, parolees, and probationers.

Sec. 306. (1) The department shall continue to contract with 1 or more independent third parties for evaluation and monitoring of alcohol and substance abuse programs administered by the department, including in-prison programs and programs provided through community placement or field programs. The evaluation shall measure the impact of alcohol and other substance abuse programs on prison admission, length of stay, jail utilization, and offender relapse and recidivism. The evaluation of a program funded with federal residential substance abuse treatment for state prisoners funds shall be consistent with any requirements contained in the federal residential substance abuse treatment grant for that program. Evaluation of substance abuse treatment pilot programs funded under sections 220 and 221 of 1998 PA 321 and under analogous sections of 1999 PA 92 and 2000 PA 237 shall be consistent with recommendations developed and agreed to under section 222 of 1998 PA 321, and shall be structured so as to allow those pilot programs and the programs funded under this act to be compared with each other. Evaluations required by this section shall to the extent feasible compare offenders treated under the programs with other offenders of similar characteristics.

(3) The department shall report by April 1, 2002 to the house and senate appropriations subcommittees on corrections and the house and senate fiscal agencies on implementation of substance abuse treatment programs and on the evaluation and monitoring requirements provided by this section.

#### **EXECUTIVE**

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2002 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director.

Sec. 402. The department shall prepare by April 1, 2002 individual reports for the technical rule violator program, the community residential program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. The reports shall include the following:

- (a) Monthly new participants.
- (b) Monthly participant unsuccessful terminations, including cause.
- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of program location(s), capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- (i) Comparison with prior year statistics.
- (j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

Sec. 403. From the funds appropriated in part 1, the department shall continue to maintain county jail services staff sufficient to enable the department to continue to fulfill its functions of providing technical support, inspections of county jails, and maintenance of the jail reimbursement program.

Sec. 404. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2002 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Sec. 405. (1) The department shall review and revise as necessary policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations and technical parole violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among these offender populations, the department shall explore other policy options to allow for program alternatives, including department or OCC funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in part 1 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall periodically evaluate such guidelines for modification, in response to emerging information from the pilot projects for substance abuse treatment provided under this act and applicable provisions of prior budget acts for the department.

(4) By March 1, 2002, the department shall report to the senate and house appropriations subcommittees on corrections, senate and house fiscal agencies, and state budget director on the effect that any recommended policy changes for technical violators of parole and technical violators of probation would have on admission to prison and jail and the impact on other program alternatives.

#### **ADMINISTRATION AND PROGRAMS**

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement to institutional status and for prisoners who volunteer for placement in a county jail.

**FIELD OPERATIONS ADMINISTRATION**

Sec. 601. (1) It is the intent of the legislature that the funding appropriated in part 1 for parole and probation agents shall provide sufficient parole and probation agents to maintain a ratio of 90 workload units per agent.

(2) From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies by September 30, 2002.

Sec. 602. (1) Of the amount appropriated in part 1 for personnel, a sufficient amount shall be allocated for the community service work program and shall be used for salaries and wages and fringe benefit costs of community service coordinators employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

(2) The community service work program shall provide offenders with community service work of tangible benefit to a community while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, "community service work" means work performed by an offender in an unpaid position with a nonprofit or tax supported or government agency for a specified number of hours of work or service within a given time period.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for the equipment costs and telephone charges associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the cost of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state's electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department will provide counties with the tether equipment, replacement parts, administrative oversight of the equipment's operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service and apprehension of program violators. For an additional fee as determined by the department, the department will provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the operational costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Sec. 605. The department shall establish a uniform rate to be paid by agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

Sec. 606. The department shall provide annual training in universal precautions for airborne and bloodborne pathogens for all field operations employees who conduct instant drug tests.

**COMMUNITY CORRECTIONS**

Sec. 701. The office of community corrections shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this act:

(a) "Alternative to incarceration in a state facility or jail" means a program that involves offenders who receive a sentencing disposition which appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or which amounts to a reduction in the length of sentence in a jail.

(b) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) "Offender eligibility criteria" means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) "Offender target population" means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) "Offender who would likely be sentenced to imprisonment" means either of the following:

(i) A felon or misdemeanor who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanor who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Sec. 702. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of community corrections comprehensive plans funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Funds awarded for probation residential centers in part 1 shall provide for a per diem reimbursement of not more than \$43.00.

Sec. 703. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services which are available and utilized within the local jurisdiction and an explanation of how jail beds, probation residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plan and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program pursuant to section 706 of this act. The state community corrections board shall encourage local community corrections boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the department of community health for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

Sec. 704. (1) As part of the March biannual report specified under section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, which requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on probation residential centers, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to prior 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

Sec. 705. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state required jail data.

(2) The department shall be responsible for the collection, analysis, and reporting of state required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide basic jail data to the department.

Sec. 706. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed before January 1, 1999 and 1 of the following applies:

(a) The felon would otherwise have been sentenced to a state prison term with a minimum sentencing guidelines range minimum of 12 months or more.

(b) The felon was convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or a combination of both, third or subsequent offense, under section 625(8)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

(c) The felon was sentenced under section 11 or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

(3) The county jail reimbursement program shall reimburse counties for housing and custody of convicted felons if the conviction was for a crime committed on or after January 1, 1999 and 1 of the following applies:

(a) The felon was convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or a combination of both, third or subsequent offense, under section 625(8)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

(b) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(c) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(4) Except as provided in subsection (5), state reimbursement under this section for prisoner housing and custody expenses per diverted offender for the first 90 days of the offender's incarceration shall be \$47.00 per diem for a county with a population of more than 100,000 and \$42.00 per diem for a county with a population of 100,000 or less. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$40.00 per diem for the remainder of the incarceration up to 1 year total.

(5) For the first 90 days for diverted offenders housed in beds developed under multicounty projects approved and funded under section 807 of 1998 PA 321, state reimbursement shall be \$47.00 per diem. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$40.00 per diem for the remainder of the incarceration up to 1 year total.

(6) From the funds appropriated in part 1 for the county jail reimbursement program, the department shall contract for an ongoing study to determine the impact of the new legislative sentencing guidelines. The study shall analyze historical sentencing patterns of jurisdictions as well as current and future patterns in order to determine and quantify the population impact on prisons and jails of the new guidelines as well as to identify and define felon or crime characteristics or sentencing guidelines scores that indicate a felon is a prison diversion. The department shall contract for a local and statewide study for this purpose and provide periodic reports regarding the status and findings of the study to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

(7) The department, the Michigan association of counties, and the Michigan sheriffs' association shall review the periodic findings of the study required in subsection (6) and, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (3)(b) and (c). Any recommended modification shall be forwarded to the house and senate appropriations subcommittees on corrections.

(8) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable offense.

(9) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for this purpose. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2001 distribute the documentation requirements to all counties.



Sec. 708. (1) From the funds appropriated in part 1 for probation residential centers, funds are allocated for the operation of a probation detention program in a county that has adopted a charter pursuant to 1966 PA 293, MCL 45.501 to 45.521. The probation detention program shall have a capacity of 100 beds. The department shall provide the program administrator monthly with 90-day projections of the numbers of beds expected to be needed for probationers and parolees in Phase II residential placement under section 4(2) of the special alternative incarceration act, 1988 PA 287, MCL 798.14, and the program administrator shall make beds available as necessary to house probationers and parolees entering Phase II residential placement.

(2) Funds awarded for probation residential centers in part 1 shall provide for a per diem reimbursement of not more than \$43.00.

(3) Payments under this section for operation of the probation detention program shall be made at the same rates applicable to disbursement of other funds awarded under the probation residential centers line item, not to exceed a total expenditure of \$1,569,500.00.

(4) The purpose of the probation detention program is to reduce the admission to prison of probation violators by providing a community punishment program within a secure environment with 24-hour supervision and programming with an emphasis on structured daily activities. Programming shall include, but need not be limited to, the following components that may be provided directly or by referral:

- (a) Orientation and assessment.
- (b) Substance abuse counseling.
- (c) Life skills counseling.
- (d) Education.
- (e) Employment preparation.
- (f) Vocational training.
- (g) Employment.
- (h) Community service.
- (i) Physical training.
- (j) Cognitive skill training.

(5) The probation detention program shall reduce the admission to prison of probation violators directly or indirectly by providing a program for direct sentencing of felony probation violators who likely would be prison-bound based on historical local sentencing practices or by removing probation violators from jail with a resulting increase in the number of jail beds available and used for felons who otherwise would be likely to be sentenced to prison based on historical local sentencing practices.

(6) The operation of the probation detention program shall be included in an approved community corrections comprehensive plan for the county described in subsection (1) pursuant to the community corrections act, 1988 PA 511, MCL 791.401 to 791.414, and shall be consistent with sections 701, 702, and 703.

(7) The comprehensive plan shall specify the programs, eligibility criteria, referral, and enrollment process, the assessment and client-specific planning case management process, a program design that includes a variable length of stay based on assessed need, and the evaluation methodology to show the impact of the program on prison admissions and recidivism.

(8) The length of stay for a probationer or parolee in Phase II residential placement shall be at the department's discretion based on the offender assessment and client-specific planning case management process and the offender's progress at meeting the case management objectives, but shall not exceed 120 days.

(9) The department shall require the program administrator to report not later than March 1, 2002 to the state budget director, the senate and house fiscal agencies, and the senate and house appropriations subcommittees on corrections concerning the program's impact on prison admissions and recidivism including, but not limited to, the numbers of offenders released from the probation detention program who are arrested for a felony offense within 1 year of their termination from the program.

Sec. 711. (1) As a condition of receipt of the funds appropriated in section 105 for community corrections plans and services and probation residential centers, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

#### **CONSENT DECREES**

Sec. 801. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

**HEALTH CARE**

Sec. 901. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by a physician.

Sec. 902. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall report to the senate and house appropriations subcommittees on corrections on January 1, 2002 and July 1, 2002 the status of payments from contractors to vendors for health care services provided to prisoners, as well as the status of the contracts, and an assessment of prisoner health care quality.

(2) It is the intent of the legislature that, in the interest of providing the most efficient and cost-effective delivery of health care, local health care providers shall be considered and given the opportunity to competitively bid as vendors under future managed care contracts.

(3) It is the intent of the legislature that by September 30, 2002, the auditor general shall audit the delivery of health care to prisoners. The audit should determine the extent, if any, of cost savings that have been realized through privatization of prisoner health care, and include the amount of total vendor payments, estimated administrative costs, and the amount of outstanding payments during the most recent contract period.

Sec. 903. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours and it is the intent of the legislature that sufficient nurses be hired or retained to limit the use of overtime other-than-holiday pay.

Sec. 904. From the funds allocated in part 1 for health care services, the department shall conduct a 1-year cost/benefit analysis of privatizing pharmacy services and shall report the findings of this 1-year cost/benefit analysis to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies not less than 120 days before any effort to privatize pharmacy services.

**INSTITUTIONAL OPERATIONS**

Sec. 1001. As a condition of expenditure of the funds appropriated in part 1, the department shall ensure that smoking areas are designated for use by prisoners and staff at each facility. At a minimum, all outdoor areas within each facility's perimeter shall be designated for smoking, except that smoking may be forbidden within 20 feet of any building designated as nonsmoking or smoke-free.

Sec. 1002. (1) From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

(2) It is the intent of the legislature that the department review its policies for reapproving and retraining volunteers in an outreach program that is sponsored by an external religious organization to ensure, to the extent feasible, they minimize the time and effort of the volunteer and encourage continuing participation, and to revise those policies as the department determines appropriate.

Sec. 1003. The department shall prohibit prisoners access to or use of the Internet or any similar system.

Sec. 1004. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the hepatitis B virus, shall receive a hepatitis B vaccination upon request.

Sec. 1006. (1) The inmate housing fund shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically budgeted for elsewhere in this act. Funding in the inmate housing fund is appropriated into a separate control account. Funding in the control account shall be distributed as necessary into separate accounts created to separately identify costs for specific purposes.

(2) Quarterly reports on all expenditures from the inmate housing fund shall be submitted by the department to the state budget director, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

Sec. 1007. The department shall provide programs that allow prisoners to self-rehabilitate for successful reintegration into the community. The department shall report to the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, on the academic/vocational programs offered as described in section 219 for prisoners participating as of September 30, 2001. Also, the report shall include information on Michigan prison build program outcomes, including, but not limited to, the number of prisoners who participated in the program during fiscal year 2000-2001, the number of houses/components completed, and the facilities included in the program.

Sec. 1008. It is the intent of the legislature that from the funds appropriated in part 1 for prison operations the department maintain on a voluntary basis 1 or more cognitive restructuring programs such as Project CHANGE for high-security-level prisoners.

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

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the

department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

Charles LaSata  
Gary Newell  
Triette Reeves  
Conferees for the House

Walter North  
Philip E. Hoffman  
Alma Wheeler Smith  
Conferees for the Senate

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

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

The motion prevailed.

The question being on the adoption of the conference report,

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

**Roll Call No. 313**

**Yeas—99**

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

**Nays—2**

Drolet

Gosselin

In The Chair: Ehardt

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

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

Rep. Minore entered the House Chambers.

### **Second Reading of Bills**

#### **Senate Bill No. 231, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2001 and September 30, 2002; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

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

Rep. Patterson moved to amend the bill as follows:

1. Amend page 38, line 9, after "runway" by striking out "expansions" and inserting "extensions, taxiway extensions, or apron extensions".

2. Amend page 38, line 13, after "airport" by inserting "including, but not limited to, anything approximating a tradeport as that term is defined in The International Tradeport Development Authority Act, 1994 PA 325, MCL 152.2521 to 152.2546".

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

Rep. Kilpatrick moved to amend the bill as follows:

1. Amend page 34, following line 24, by inserting:

"Sec. 903. Of the funds appropriated for the department of management and budget building demolition, in 2000 PA 291, \$1,000,000.00 shall be provided to county programs that abate and demolish dangerous buildings."

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **Senate Bill No. 231, entitled**

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal years ending September 30, 2001 and September 30, 2002; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

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

**Roll Call No. 314****Yeas—102**

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

**Nays—4**

Bishop	Drolet	Godchaux	Gosselin
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In The Chair: Ehardt

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

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Speaker laid before the House  
**Senate Concurrent Resolution No. 25.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Secondary Complex Warehouse.

(For text of resolution, see House Journal No. 55 p. 1008.)

(The concurrent resolution was reported by the Committee on Appropriations on June 21, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 315****Yeas—106**

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

**Nays—1**

Callahan

In The Chair: Ehardt

The Speaker laid before the House

**Senate Concurrent Resolution No. 26.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Hall of Justice Facility for the State Judiciary.

(For text of resolution, see House Journal No. 55, p. 1009.)

(The concurrent resolution was reported by the Committee on Appropriations on June 21, consideration of which was postponed until today under the rules.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 316****Yeas—56**

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

**Nays—51**

Adamini	Drolet	Lockwood	Rivet
Anderson	Frank	Mans	Schauer
Basham	Garza	McConico	Schermesser
Bernero	Gielegem	Minore	Sheltrown
Bogardus	Hale	Murphy	Spade
Bovin	Hansen	Neumann	Switalski
Brown, B.	Hardman	O'Neil	Waters
Brown, R.	Jacobs	Pestka	Whitmer
Callahan	Jamnack	Phillips	Williams
Clark, I.	Kilpatrick	Plakas	Wojno
Clarke, H.	Kolb	Quarles	Woodward
Daniels	Lemmons	Reeves	Zelenko
Dennis	Lipsev	Rison	

In The Chair: Ehardt

The Speaker laid before the House

**House Resolution No. 116.**

A resolution to memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act.

(For text of resolution, see House Journal No. 40, p. 597.)

(The resolution was reported by the Committee on Conservation and Outdoor Recreation on June 14, consideration of which, under the rules, was postponed until June 19.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

**House Concurrent Resolution No. 32.**

A concurrent resolution to memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act.

(For text of resolution, see House Journal No. 40, p. 600.)

(The concurrent resolution was reported by the Committee on Conservation and Outdoor Recreation on June 14, consideration of which, under the rules, was postponed until June 19.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

### Third Reading of Bills

#### Senate Bill No. 206, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 105, 106, 122, 123, 131, 133, 141, 143, 151, 338, 342a, 344, 404, 405, 407, 413, 488, 489, 521, 525, 563, 564b, 703a, 753, 754, 901, and 1060 (MCL 450.1105, 450.1106, 450.1122, 450.1123, 450.1131, 450.1133, 450.1141, 450.1143, 450.1151, 450.1338, 450.1342a, 450.1344, 450.1404, 450.1405, 450.1407, 450.1413, 450.1488, 450.1489, 450.1521, 450.1525, 450.1563, 450.1564b, 450.1703a, 450.1753, 450.1754, 450.1901, and 450.2060), sections 106, 122, 133, 141, 405, 521, 525, and 563 as amended and sections 342a and 754 as added by 1989 PA 121, section 123 as amended by 1993 PA 357, sections 131, 338, 407, and 1060 as amended by 1993 PA 91, and sections 151, 344, 404, 489, 564b, 703a, and 753 as amended and section 488 as added by 1997 PA 118, and by adding section 406a.

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

#### Roll Call No. 317

#### Yeas—105

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

#### Nays—0

In The Chair: Ehardt

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

"An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,".

The House agreed to the full title.

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

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



**Senate Bill No. 216, entitled**

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 13 (MCL 450.233), as amended by 1990 PA 166.

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

**Roll Call No. 318****Yeas—106**

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

**Nays—0**

In The Chair: Ehardt

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

"An act authorizing the creation of professional service corporations; providing definitions; providing exceptions; providing the manner and method of creating such corporations; providing for individual liability of officers, employees and agents of such corporations in certain instances; authorizing certain investments of corporate funds; regulating the issuance and transfer of capital stock; providing forfeiture of corporate franchise in certain instances; and requiring identification as a corporation,".

The House agreed to the full title.

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

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

**Senate Bill No. 491, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2000 PA 200.

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

**Roll Call No. 319****Yeas—85**

Allen	Gosselin	Meyer	Schauer
Anderson	Hager	Middaugh	Scranton
Basham	Hart	Minore	Shackleton
Birkholz	Howell	Mortimer	Sheltrown
Bisbee	Jacobs	Neumann	Shulman
Bishop	Jansen	Newell	Spade
Bradstreet	Jelinek	O'Neil	Stamas
Brown, B.	Johnson, Rick	Pappageorge	Stewart
Brown, C.	Johnson, Ruth	Patterson	Switalski
Cassis	Julian	Pestka	Tabor
Caul	Koetje	Phillips	Toy
Clarke, H.	Kolb	Plakas	Van Woerkom
DeRossett	Kooiman	Pumford	Vander Roest
DeVuyst	Kowall	Quarles	Vander Veen
DeWeese	Kuipers	Raczkowski	Vear
Drolet	LaSata	Richardville	Voorhees
Ehardt	Lemmons	Richner	Whitmer
Faunce	Lockwood	Rison	Wojno
Frank	Mans	Rivet	Woodward
George	McConico	Rocca	Woronchak
Gilbert	Mead	Sanborn	Zelenko
Godchaux			

**Nays—20**

Adamini	Callahan	Hale	Murphy
Bernero	Clark, I.	Hansen	Reeves
Bogardus	Daniels	Hardman	Schermesser
Bovin	Garza	Kilpatrick	Waters
Brown, R.	Gielegem	Lipsey	Williams

In The Chair: Ehardt

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The House agreed to the full title.

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

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

**Senate Bill No. 492, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 4x (MCL 205.54x), as added by 2000 PA 204.

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

**Roll Call No. 320****Yeas—87**

Allen	Hager	Meyer	Schauer
Anderson	Hansen	Middaugh	Scranton
Basham	Hart	Minore	Shackleton
Birkholz	Howell	Mortimer	Sheltrown

Bisbee	Jacobs	Murphy	Shulman
Bishop	Jamnick	Neumann	Spade
Bradstreet	Jansen	Newell	Stamas
Brown, B.	Jelinek	O'Neil	Stewart
Brown, C.	Johnson, Rick	Pappageorge	Switalski
Cassis	Johnson, Ruth	Patterson	Tabor
Caul	Julian	Pestka	Toy
Clarke, H.	Koetje	Phillips	Van Woerkom
DeRossett	Kolb	Plakas	Vander Roest
DeVuyst	Kooiman	Pumford	Vander Veen
DeWeese	Kowall	Quarles	Vear
Drolet	Kuipers	Raczkowski	Voorhees
Ehardt	LaSata	Richardville	Whitmer
Faunce	Lemmons	Richner	Wojno
Frank	Lockwood	Rison	Woodward
George	Mans	Rivet	Woronchak
Gilbert	McConico	Rocca	Zelenko
Gosselin	Mead	Sanborn	

**Nays—18**

Adamini	Callahan	Hale	Reeves
Bernero	Clark, I.	Hardman	Schermesser
Bogardus	Daniels	Kilpatrick	Waters
Bovin	Garza	Lipsey	Williams
Brown, R.	Gielegem		

In The Chair: Ehardt

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”

The House agreed to the full title.

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

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

**Senate Bill No. 373, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303, 319, 320a, 601b, and 732 (MCL 257.303, 257.319, 257.320a, 257.601b, and 257.732), sections 303, 319, 320a, and 732 as amended by 2000 PA 460, section 601b as added by 1996 PA 320, and by adding section 601c.

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

**Roll Call No. 321****Yeas—74**

Allen	Gielegem	McConico	Schauer
Anderson	Gilbert	Mead	Schermesser
Basham	Hager	Meyer	Shackleton
Bernero	Hale	Middaugh	Sheltrown
Birkholz	Hansen	Mortimer	Spade

Bogardus	Hart	Neumann	Stamas
Bovin	Howell	Newell	Stewart
Brown, B.	Jacobs	Pappageorge	Switalski
Brown, R.	Jamnick	Patterson	Tabor
Callahan	Jelinek	Pestka	Toy
Caul	Johnson, Rick	Phillips	Van Woerkom
Clarke, H.	Johnson, Ruth	Quarles	Vander Veen
DeRossett	Julian	Richardville	Voorhees
DeVuyst	Kolb	Richner	Whitmer
DeWeese	Kooiman	Rison	Williams
Ehardt	Kowall	Rivet	Wojno
Faunce	Kuipers	Rocca	Woodward
Frank	Lockwood	Sanborn	Zelenko
George	Mans		

### Nays—31

Adamini	Dennis	Koetje	Rackowski
Bisbee	Drolet	LaSata	Reeves
Bishop	Garza	Lemmons	Scranton
Bradstreet	Godchaux	Lipsey	Shulman
Brown, C.	Gosselin	Murphy	Vander Roest
Cassis	Hardman	O'Neil	Vear
Clark, I.	Jansen	Plakas	Waters
Daniels	Kilpatrick	Pumford	

In The Chair: Ehardt

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

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

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 303, 319, 320a, 601b, and 732 (MCL 257.303, 257.319, 257.320a, 257.601b, and 257.732), sections 303, 319, 320a, and 732 as amended by 2000 PA 460 and section 601b as added by 1996 PA 320, and by adding section 601c.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Senate Bill No. 374, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2000 PA 459.

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

**Roll Call No. 322****Yeas—76**

Allen	Gilbert	Middaugh	Schauer
Anderson	Hager	Minore	Schermesser
Basham	Hale	Mortimer	Shackleton
Bernero	Hansen	Murphy	Sheltrown
Birkholz	Howell	Neumann	Spade
Bovin	Jacobs	Newell	Stamas
Brown, B.	Jamnack	Pappageorge	Stewart
Brown, R.	Jelinek	Patterson	Switalski
Callahan	Johnson, Rick	Pestka	Tabor
Caul	Johnson, Ruth	Phillips	Toy
Clarke, H.	Julian	Plakas	Van Woerkom
DeRossett	Kolb	Pumford	Vander Veen
DeVuyst	Kooiman	Quarles	Voorhees
DeWeese	Kowall	Richardville	Whitmer
Ehardt	Lockwood	Richner	Williams
Faunce	Mans	Rison	Wojno
Frank	McConico	Rivet	Woodward
George	Mead	Rocca	Woronchak
Gielegem	Meyer	Sanborn	Zelenko

**Nays—30**

Adamini	Dennis	Kilpatrick	Rackowski
Bisbee	Drolet	Koetje	Reeves
Bishop	Garza	Kuipers	Scranton
Bradstreet	Godchaux	LaSata	Shulman
Brown, C.	Gosselin	Lemmons	Vander Roest
Cassis	Hardman	Lipsey	Vear
Clark, I.	Hart	O'Neil	Waters
Daniels	Jansen		

In The Chair: Ehardt

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

“An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

The House agreed to the full title.

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

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

Rep. Vander Roest moved that Rep. Vander Veen be excused from the balance of today's session.  
The motion prevailed.

### Quorum Call

Rep. Patterson questioned the presence of a quorum and moved that the roll be called and printed in the Journal.  
The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

### Roll Call No. 323

### Yeas—102

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

In The Chair: Ehardt

Rep. Jacobs moved that Reps. Hardman and McConico be excused temporarily from today's session.  
The motion prevailed.

### House Bill No. 4774, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9311 (MCL 440.9311), as amended by 2000 PA 348.

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

**Roll Call No. 324****Yeas—102**

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

**Nays—0**

In The Chair: Ehardt

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

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

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending sections 9311 and 9616 (MCL 440.9311 and 440.9616), section 9311 as amended and section 9616 as added by 2000 PA 348.

The motion prevailed.

The House agreed to the title as amended.

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

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

**Senate Bill No. 360, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4o.

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

**Roll Call No. 325****Yeas—98**

Adamini	George	McConico	Sanborn
Allen	Gielegthem	Mead	Schauer
Anderson	Gilbert	Meyer	Schermesser
Basham	Godchaux	Middaugh	Scranton
Bernero	Hager	Minore	Shackleton
Birkholz	Hale	Mortimer	Sheltrown

Bisbee	Hansen	Murphy	Shulman
Bishop	Hart	Neumann	Spade
Bovin	Howell	Newell	Stamas
Brown, B.	Jacobs	O'Neil	Stewart
Brown, C.	Jansen	Pappageorge	Switalski
Brown, R.	Jelinek	Patterson	Tabor
Callahan	Johnson, Rick	Pestka	Toy
Cassis	Johnson, Ruth	Phillips	Van Woerkom
Caul	Julian	Plakas	Vander Roest
Clark, I.	Kilpatrick	Pumford	Vear
Clarke, H.	Koetje	Quarles	Voorhees
Daniels	Kolb	Raczkowski	Waters
DeRossett	Kooiman	Reeves	Whitmer
DeVuyst	Kowall	Richardville	Williams
DeWeese	LaSata	Richner	Wojno
Ehardt	Lemmons	Rison	Woodward
Faunce	Lipsey	Rivet	Woronchak
Frank	Lockwood	Rocca	Zelenko
Garza	Mans		

#### Nays—8

Bogardus	Dennis	Gosselin	Jamnick
Bradstreet	Drolet	Hardman	Kuipers

In The Chair: Ehardt

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.”.

The House agreed to the full title.

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

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

Reps. Drolet, Gosselin and Kuipers having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This body recently approved of resolutions to protect domestic steel producers from state-subsidized foreign competition. Defenders of these resolutions made passionate pleas for the jobs and profitability of our *privately* owned and funded steel producers. The strongest argument in favor of those resolutions was based upon the capitalist principle that the state is inherently an unfair and economically destructive competitor in the marketplace. This contention applies with even greater accuracy and force against SB 360.

Non-profit organizations are not compatible with the efficient delivery of goods and services. The Soviet Union provided an object example of what happens when the profit motive is removed: unwanted items are produced in abundance while desperately needed goods are rationed.

Profits are signals, and SB 360 will remove those signals. Its defenders argue that the private sector will be unable or unwilling to build and finance some revenue-generating projects. If their contention is correct, then the market is warning them away from commercial failure, and wasted tax dollars.

If their contention is wrong, then private firms in other cities and regions will have government-sponsored competitor that doesn't pay taxes, cannot go out of business, and has the deficit financing authority of government to help expand its operations. This would leave private, taxpaying companies facing government-sponsored competition akin to the domestic steel producers that have been competing against state-subsidized foreign rivals.

Government sponsored competition is just as bad, whether it comes from Japan, or much closer to home. If we are going to stand up for our capitalist system, then we best be consistent about it.”



**Senate Bill No. 361, entitled**

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 2 (MCL 15.262).

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

**Roll Call No. 326****Yeas—104**

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

**Nays—0**

In The Chair: Ehardt

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

"An act to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts,".

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

**Reports of Select Committees**

The Speaker laid before the House the conference report relative to

**House Bill No. 4257, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(The conference report was reported by the conference committee on June 21, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 55, p. 982.)

The question being on the adoption of the conference report,

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

**Roll Call No. 327**

**Yeas—101**

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

**Nays—5**

Cassis	Gosselin	Johnson, Ruth	Vear
Drolet			

In The Chair: Ehardt

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

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

**Second Reading of Bills**

**House Bill No. 4371, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), as amended by 2000 PA 297.

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

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

Rep. Basham moved to amend the bill as follows:

1. Amend page 78, following line 21, by inserting:

“(11) FOR A DISTRICT THAT RECEIVED A TENTATIVE ALLOCATION UNDER SECTION 39(1) FOR 2000-2001 AND HAD A DECLINING MEMBERSHIP AS COMPARED TO THE PRECEDING FISCAL YEAR, THE DISTRICT’S TENTATIVE ALLOCATION FOR 2000-2001 SHALL NOT BE ADJUSTED AND SHALL BE CONSIDERED TO BE THE DISTRICT’S FINAL ALLOCATION UNDER THIS SECTION FOR 2000-2001.”.

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

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 58, line 5, after “exceed” by striking out “\$314,200,000.00” and inserting “\$316,550,000.00”.

2. Amend page 58, line 6, after “exceed” by striking out “\$319,095,200.00” and inserting “\$321,505,000.00”.

3. Amend page 65, line 11, after “5.75%” by inserting “OR, IF THE DEPARTMENT DETERMINES THAT MORE THAN 35% OF THE DISTRICT’S PUPILS ARE PUPILS OF LIMITED ENGLISH-SPEAKING ABILITY UNDER SECTION 1153 OF THE REVISED SCHOOL CODE, MCL 380.1153, 11.5%” and adjusting section 11 and enacting section 1 accordingly.

4. Amend page 135, line 20, after “6(4)(Y)” by inserting “OR SECTION 31A(12)”.

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

Rep. Jelinek moved to amend the bill as follows:

1. Amend page 80, line 27, after “exceed” by striking out “\$30,000,000.00” and inserting “\$33,000,000.00”.

2. Amend page 81, line 7, after “EXCEED” by striking out “\$1,500,000.00” and inserting “\$500,000.00”.

3. Amend page 88, line 3, after “2000-2001” by striking out the period and inserting a comma and “2001-2002, and 2002-2003.”.

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

Rep. Jelinek moved to amend the bill as follows:

1. Amend page 92, following line 8, by inserting:

“Sec. 41. From the appropriation in section 11, there is allocated an amount not to exceed \$4,212,000.00 each fiscal year ~~for 1999-2000~~, for 2000-2001, for 2001-2002, and for 2002-2003, to applicant districts and intermediate districts offering programs of bilingual instruction for pupils of limited English-speaking ability under section 1153 of the revised school code, MCL 380.1153. Reimbursement shall be on a per pupil basis and shall be based on the number of pupils of limited English-speaking ability in membership on the pupil membership count day. Funds allocated under this section shall be used solely for bilingual instruction in speaking, reading, writing, or comprehension of pupils of limited English-speaking ability.”.

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

Reps. Hager and Gilbert moved to amend the bill as follows:

1. Amend page 68, line 10, after “exceed” by striking out “\$159,250,000.00” and inserting “\$144,250,000.00”.

2. Amend page 68, line 11, after “exceed” by striking out “\$129,250,000.00” and inserting “\$144,250,000.00”.

3. Amend page 69, line 9, after the first “EXCEED” by striking out “\$27,000,000.00” and inserting “\$45,000,000.00”.

4. Amend page 69, line 10, by striking out “\$15,000,000.00” and inserting “\$45,000,000.00”.

5. Amend page 69, line 20, by striking out all of subsection (2) and renumbering the remaining subsections.

6. Amend page 71, line 14, after “subsection” by striking out “(3)” and inserting “(2)”.

7. Amend page 73, line 12, after “subsection” by striking out “(3)” and inserting “(2)”.

8. Amend page 73, line 15, after “subsection” by striking out “(5)” and inserting “(4)”.

9. Amend page 80, line 25, after “\$57,500,000.00” by striking out the balance of the line through “\$15,000,000.00” on line 1 of page 81.

10. Amend page 81, line 11, after “\$5,000,000.00” by striking out the balance of the line through “\$3,000,000.00” on line 12.

11. Amend page 82, line 10, after “subsection” by striking out “(19)” and inserting “(18)”.

12. Amend page 82, line 24, by striking out “(19)” and inserting “(18)”.

13. Amend page 83, line 3, after “\$50,000,000.00” by striking out the balance of the line through “\$15,000,000.00” on line 6 and adjusting section 11 and enacting section 1 accordingly.

14. Amend page 83, line 12, by striking out all of subsection (8) and renumbering the remaining subsections.

15. Amend page 84, line 8, by striking out “(19)” and inserting “(18)”.

16. Amend page 84, line 27, after “subsection” by striking out “(9)” and inserting “(8)”.

17. Amend page 85, line 5, by striking out “(19)” and inserting “(18)”.

18. Amend page 85, line 11, by striking out “(19)” and inserting “(18)”.

19. Amend page 85, line 17, by striking out “(19)” and inserting “(18)”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Reeves moved to amend the bill as follows:

1. Amend page 91, line 26, by striking out “\$10,000,000.00” and inserting “\$15,000,000.00” and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Reeves demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 328

### Yeas—43

Adamini	Garza	Mans	Rivet
Anderson	Gielegem	McConico	Schauer
Basham	Hale	Meyer	Schermesser
Bernero	Hansen	Minore	Switalski
Bogardus	Hardman	Murphy	Waters
Bovin	Jacobs	O’Neil	Whitmer
Brown, R.	Jamnick	Phillips	Williams
Clark, I.	Kilpatrick	Plakas	Wojno
Clarke, H.	Kolb	Quarles	Woodward
Daniels	Lipsey	Reeves	Zelenko
Dennis	Lockwood	Rison	

### Nays—58

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

In The Chair: Ehardt

Rep. Schauer moved to amend the bill as follows:

1. Amend page 58, line 6, after “exceed” by striking out “\$321,505,000.00” and inserting “\$331,505,000.00”.

2. Amend page 68, line 11, after “exceed” by striking out “\$129,250,000.00” and inserting “\$259,250,000.00”.

3. Amend page 68, line 18, by striking out “\$1,950,000.00” and inserting “\$35,200,000.00”.

4. Amend page 69, line 10, by striking out "\$15,000,000.00" and inserting "\$45,000,000.00".
5. Amend page 69, line 20, after "(2)" by striking out the balance of the line through "(A)" on line 22.
6. Amend page 69, line 26, after "THEN" by inserting "IT IS THE INTENT OF THE LEGISLATURE THAT".
7. Amend page 70, line 3, by striking out all of subdivision (B).
8. Amend page 73, line 23, after "\$1,000,000.00" by striking out "each fiscal year".
9. Amend page 73, line 24, after "and" by inserting "AN AMOUNT NOT TO EXCEED \$2,000,000.00".
10. Amend page 75, line 26, after "(3)" by striking out the balance of the subsection and inserting a comma and "AN AMOUNT NOT TO EXCEED \$200,000.00 FOR 2001-2002 FOR THE PURPOSES OF SUBSECTION (2), AND AN AMOUNT NOT TO EXCEED \$30,200,000.00 FOR 2002-2003 FOR THE PURPOSES OF SUBSECTIONS (2) AND (3).".
11. Amend page 76, line 10, after "2000-2001" by inserting "and an amount not to exceed \$30,000,000.00 for 2002-2003".
12. Amend page 81, line 1, after "EXCEED" by striking out "\$15,000,000.00" and inserting "\$55,000,000.00".
13. Amend page 81, line 5, after "(5)" by striking out the balance of the subsection and inserting a comma and "THERE IS ALLOCATED FOR 2001-2002 AN AMOUNT NOT TO EXCEED \$500,000.00 FOR THE PURPOSES OF SUBSECTION (4), AND THERE IS ALLOCATED FOR 2002-2003 AN AMOUNT NOT TO EXCEED \$2,750,000.00 FOR THE PURPOSES OF SUBSECTIONS (4) AND (5).".
14. Amend page 81, line 11, after "\$5,000,000.00" by striking out "AND" and inserting a comma.
15. Amend page 81, line 12, after "\$3,000,000.00" by inserting a comma and "AND THERE IS ALLOCATED FOR 2002-2003 AN AMOUNT NOT TO EXCEED \$5,000,000.00".
16. Amend page 81, line 26, after "2000-2001" by striking out the balance of the line through "2002-2003" on line 27 and inserting a comma and "AN AMOUNT NOT TO EXCEED \$500,000.00 FOR 2001-2002, AND AN AMOUNT NOT TO EXCEED \$2,500,000.00 FOR 2002-2003".
17. Amend page 82, line 8, after "\$250,000.00" by inserting "AND AN AMOUNT NOT TO EXCEED \$250,000.00 FOR 2002-2003".
18. Amend page 83, line 6, by striking out "\$15,000,000.00" and inserting "\$50,000,000.00".
19. Amend page 83, line 12, after "(8)" by striking out the balance of the line through "(A)" on line 15.
20. Amend page 83, line 21, after "THEN" by inserting "IT IS THE INTENT OF THE LEGISLATURE THAT".
21. Amend page 83, line 24, by striking out all of subdivision (B).
22. Amend page 88, line 3, after "2000-2001" by inserting "and 2002-2003".
23. Amend page 88, line 6, after "2000-2001" by inserting a comma and "an amount not to exceed \$50,000,000.00 for 2002-2003".
24. Amend page 91, line 16, after "\$1,600,000.00" by inserting "AND THERE IS ALLOCATED FOR 2002-2003 AN AMOUNT NOT TO EXCEED \$10,000,000.00".
25. Amend page 108, line 12, after "EXCEED" by striking out "\$4,000,000.00" and inserting "\$5,000,000.00".
26. Amend page 114, line 6, after "2000-2001" by striking out "AND" and inserting a comma.
27. Amend page 114, line 7, after "2001-2002" by inserting a comma and "AND AN AMOUNT NOT TO EXCEED \$1,800,000.00 FOR 2002-2003".
28. Amend page 129, line 3, after "exceed" by striking out "\$1,500,000.00" and inserting "\$10,000,000.00".
29. Amend page 130, following line 6, by inserting:  
"Sec. 95. (1) From the state school aid fund money appropriated in section 11, there is allocated an amount not to exceed \$10,000,000.00 ~~each fiscal year for 2000-2001, 2001-2002, and~~ for 2002-2003 for payments to districts and intermediate districts under this section.  
(2) If a district or intermediate district provides a teacher professional development training program required under section 1527 of the revised school code, MCL 380.1527, during time that is not part of the time scheduled for pupil instruction in the district's or intermediate district's school calendar and if the district does not elect to use the hours of pupil instruction exception under section 101(11), there is allocated to the district or intermediate district an amount sufficient to reimburse the district or intermediate district for the full per diem compensation paid to the participants in that program."
30. Amend page 130, line 11, after "1999-2000" by inserting "AND THERE IS ALLOCATED AN AMOUNT NOT TO EXCEED \$8,000,000.00 FOR 2002-2003 FOR GOLDEN APPLE AWARDS UNDER THIS SECTION".
31. Amend page 137, line 16, after "exceed" by striking out "\$9,784,500.00" and inserting "\$10,984,500.00".
32. Amend page 141, line 4, by striking out "\$79,500,000.00" and inserting "\$80,000,000.00".
33. Amend page 148, line 17, after "2000-2001" by inserting "AND FOR 2002-2003".
34. Amend page 148, line 18, after "\$20,000,000.00" by inserting "each fiscal year".
35. Amend page 148, line 22, by striking out "AND 2002-2003".
36. Amend page 160, line 24, after "2." by striking out all of subsection (1) and inserting "(1) Sections 11k and 35 of the state school aid act of 1979, 1979 PA 94, MCL 388.1611k and 388.1635, are repealed." and adjusting section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendments offered by Rep. Schauer, Rep. Schauer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Schauer,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 329****Yeas—48**

Adamini	Dennis	Lockwood	Rivet
Anderson	Frank	Mans	Schauer
Basham	Garza	McConico	Schermesser
Bernero	Gielegthem	Minore	Sheltrown
Bogardus	Hale	Murphy	Spade
Bovin	Hansen	Neumann	Switalski
Brown, B.	Hardman	O'Neil	Waters
Brown, R.	Jacobs	Pestka	Whitmer
Callahan	Kilpatrick	Phillips	Williams
Clark, I.	Kolb	Plakas	Wojno
Clarke, H.	Lemmons	Reeves	Woodward
Daniels	Lipsey	Rison	Zelenko

**Nays—57**

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

In The Chair: Ehardt

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The Speaker Pro Tempore assumed the Chair.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 69, line 12, after "parents." by inserting "IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$18,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC

STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$30,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendment offered by Rep. Schauer, Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 330**

**Yeas—46**

Adamini	Dennis	Mans	Schauer
Anderson	Frank	McConico	Schermesser
Basham	Gielegem	Minore	Sheltrown
Bernero	Hale	Murphy	Spade
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O’Neil	Waters
Brown, B.	Jacobs	Pestka	Whitmer
Brown, R.	Jamnick	Phillips	Williams
Callahan	Kilpatrick	Reeves	Wojno
Clark, I.	Kolb	Rison	Woodward
Clarke, H.	Lipsey	Rivet	Zelenko
Daniels	Lockwood		

**Nays—56**

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

In The Chair: Birkholz

Rep. Schauer moved to amend the bill as follows:

1. Amend page 83, line 11, after “programs.” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$20,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$35,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC

STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SUBSECTION.” and adjusting section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendment offered by Rep. Schauer,  
Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 331****Yeas—51**

Adamini	Frank	Mans	Rivet
Anderson	Garza	McConico	Schauer
Basham	Gielegem	Minore	Schermesser
Bernero	Hale	Murphy	Sheltrown
Bogardus	Hansen	Neumann	Spade
Bovin	Hardman	O’Neil	Switalski
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Callahan	Kilpatrick	Plakas	Williams
Clark, I.	Kolb	Quarles	Wojno
Clarke, H.	Lemmons	Reeves	Woodward
Daniels	Lipsey	Richardville	Zelenko
Dennis	Lockwood	Rison	

**Nays—55**

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

In The Chair: Birkholz

Rep. Schauer moved to amend the bill as follows:

1. Amend page 137, line 23, after “1993.” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$1,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$1,200,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC



STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

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

Associate Speaker Pro Tempore Ehardt resumed the Chair.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 74, line 6, after “neglect.” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$2,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001, \$1,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND \$1,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 332**

**Yeas—49**

Adamini	Frank	Lockwood	Rison
Anderson	Garza	Mans	Schauer
Basham	Gielegem	McConico	Schermesser
Bernero	Hale	Minore	Sheltrown
Bogardus	Hansen	Murphy	Spade
Bovin	Hardman	Neumann	Switalski
Brown, B.	Jacobs	O’Neil	Waters
Brown, R.	Jamnick	Pestka	Whitmer
Callahan	Kilpatrick	Phillips	Williams
Clark, I.	Kolb	Plakas	Wojno
Clarke, H.	Lemmons	Quarles	Woodward
Daniels	Lipsey	Reeves	Zelenko
Dennis			

**Nays—54**

Allen	Gilbert	Kuipers	Rocca
Birkholz	Godchaux	LaSata	Sanborn
Bisbee	Gosselin	Mead	Scranton

Bishop	Hager	Meyer	Shackleton
Bradstreet	Hart	Middaugh	Shulman
Brown, C.	Howell	Mortimer	Stamas
Cassis	Jansen	Newell	Stewart
Caul	Jelinek	Pappageorge	Tabor
DeRossett	Johnson, Rick	Patterson	Toy
DeWeese	Johnson, Ruth	Pumford	Van Woerkom
Drolet	Julian	Raczkowski	Vander Roest
Ehardt	Koetje	Richardville	Vear
Faunce	Kooiman	Richner	Voorhees
George	Kowall		

In The Chair: Ehardt

Rep. Gosselin, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

For several years legislators have been dancing to the drumbeat of a new educational fad: ‘The First Three Years.’ We have been told repeatedly that:

1. A child’s brain is unalterably ‘hard-wired’ by age three, and if the proper stimulation and environment is not provided, dire lifelong consequences ensue.

2. Government needs to get involved, spending millions to make sure that those undependable wards of ‘the children’—parents, that is—aren’t up to the job, or worse.

There are consequences to this particular fad. For one thing, mothers everywhere are wracked with guilt and uncertainty. Also, millions of tax dollars are being spent—money that otherwise would be available more traditional classroom functions—or Heaven forbid—left in the pockets of the taxpayers who earned it.

Well guess what? It may all be bunk. John T. Bruer is the president of a major foundation which gives grants for biomedical and behavioral sciences research. It’s his job to look carefully at the research going on in the field, and here’s what he says about this particular fad: ‘Apart from eliminating gross neglect, neuroscience cannot currently tell us much about whether we can, let alone how to, influence brain development during the early stage of exuberant synaptic formation.’

And notwithstanding the current fad, the latest research shows the remarkable plasticity of the brain, and its power to continue learning throughout life. Bruer says that perhaps the worst effect of the current fad is that it ‘rejects strong genetic determinism in favor of early neural-environmental determinism.... The argument is but one rhetorical move away from an early-environmental version of the Bell Curve.’

What is the lesson for lawmakers? Don’t get sucked in by the latest pedagogic fads. Not only can we end up wasting gobs of taxpayer dollars, the fads can actually hurt kids.

Most important, though, once again government is getting involved in areas of private life where it has no business. If government can’t build roads that last, or deliver the mail efficiently, or run a Friend of the Court system, why would anyone ever think it can raise kids better than parents?”

Rep. Schauer moved to amend the bill as follows:

1. Amend page 88, line 10, after “(4).” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$38,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$50,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

2. Amend page 161, line 4, by striking out all of subsection (3) and inserting:

“(3) Section 1475 of the revised school code, 1976 PA 451, MCL 380.1475, is repealed.”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 148, line 20, after “section” by striking out the balance of the subsection and inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$20,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$20,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

2. Amend page 149, line 15, after “allocated” by inserting “each fiscal year”.

3. Amend page 149, line 16, after “2000-2001” by inserting a comma and “for 2001-2002, and for 2002-2003”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Schauer moved to amend the bill as follows:

1. Amend page 76, line 14, after “programs.” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$25,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 AND \$30,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2003, AND THOSE AMOUNTS ARE THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR THE CORRESPONDING FISCAL YEAR AND ARE ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SUBSECTION.” and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Schauer demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 333**

**Yeas—50**

Adamini	DeWeese	Mans	Rivet
Anderson	Frank	McConico	Schauer
Basham	Gielegem	Minore	Schermesser
Bernero	Hale	Murphy	Sheltrown
Bogardus	Hansen	Neumann	Spade
Bovin	Hardman	O’Neil	Switalski
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Callahan	Kilpatrick	Plakas	Williams
Clark, I.	Kolb	Reeves	Wojno
Clarke, H.	Lemmons	Richardville	Woodward
Daniels	Lipsey	Rison	Zelenko
Dennis	Lockwood		

**Nays—54**

Allen	Gilbert	Kuipers	Sanborn
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Gosselin	Mead	Shackleton

Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Jansen	Newell	Tabor
Caul	Jelinek	Pappageorge	Toy
DeRossett	Johnson, Rick	Patterson	Van Woerkom
DeVuyst	Johnson, Ruth	Pumford	Vander Roest
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak
George	Kowall		

In The Chair: Ehardt

Rep. Kuipers moved to amend the bill as follows:

1. Amend page 161, line 4, by striking out all of subsection (3) and inserting:

“(3) Section 1282a of the revised school code, 1976 PA 451, MCL 380.1282a, is repealed.”.

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

Rep. Schermesser moved to amend the bill as follows:

1. Amend page 12, line 20, after “PUPILS” by striking out the balance of the line through “DEPARTMENT,” on line 21 and inserting a comma.

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

Rep. Schermesser demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 334

### Yeas—51

Adamini	Frank	Mans	Schauer
Anderson	Garza	McConico	Schermesser
Basham	Gielegem	Minore	Sheltrown
Bernero	Hale	Murphy	Spade
Bogardus	Hansen	Neumann	Switalski
Bovin	Hardman	O’Neil	Toy
Brown, B.	Jacobs	Pestka	Waters
Brown, R.	Jamnick	Phillips	Whitmer
Callahan	Kilpatrick	Plakas	Williams
Clark, I.	Kolb	Quarles	Wojno
Clarke, H.	Lemmons	Reeves	Woodward
Daniels	Lipsey	Rison	Zelenko
Dennis	Lockwood	Rivet	

### Nays—55

Allen	George	Kowall	Rocca
Birkholz	Gilbert	Kuipers	Sanborn
Bisbee	Godchaux	LaSata	Scranton
Bishop	Gosselin	Mead	Shackleton
Bradstreet	Hager	Meyer	Shulman
Brown, C.	Hart	Middaugh	Stamas

Cassis	Howell	Mortimer	Stewart
Caul	Jansen	Newell	Tabor
DeRossett	Jelinek	Pappageorge	Van Woerkom
DeVuyst	Johnson, Rick	Patterson	Vander Roest
DeWeese	Johnson, Ruth	Pumford	Vear
Drolet	Julian	Raczkowski	Voorhees
Ehardt	Koetje	Richardville	Woronchak
Faunce	Kooiman	Richner	

In The Chair: Ehardt

Rep. Godchaux moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Kuipers.

The question being on the motion made by Rep. Godchaux,

Rep. Godchaux demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Godchaux,

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

#### Roll Call No. 335

#### Yeas—65

Adamini	Gielegem	Mans	Rivet
Anderson	Godchaux	McConico	Rocca
Basham	Hager	Middaugh	Schauer
Bernero	Hale	Minore	Schermesser
Bogardus	Hansen	Murphy	Scranton
Bovin	Hardman	Neumann	Sheltrown
Brown, B.	Howell	O'Neil	Spade
Brown, C.	Jacobs	Patterson	Stewart
Brown, R.	Jamnick	Pestka	Switalski
Callahan	Johnson, Ruth	Phillips	Toy
Caul	Kilpatrick	Plakas	Waters
Clark, I.	Kolb	Pumford	Whitmer
Clarke, H.	LaSata	Quarles	Williams
Daniels	Lemmons	Raczkowski	Woodward
Dennis	Lipsey	Reeves	Woronchak
Frank	Lockwood	Rison	Zelenko
Garza			

#### Nays—40

Allen	Ehardt	Koetje	Richner
Birkholz	Faunce	Kooiman	Sanborn
Bisbee	George	Kowall	Shackleton
Bishop	Gilbert	Kuipers	Shulman
Bradstreet	Gosselin	Mead	Stamas
Cassis	Hart	Meyer	Tabor
DeRossett	Jansen	Mortimer	Van Woerkom
DeVuyst	Jelinek	Newell	Vander Roest
DeWeese	Johnson, Rick	Pappageorge	Vear
Drolet	Julian	Richardville	Voorhees

In The Chair: Ehardt

The question being on the adoption of the amendment offered previously by Rep. Kuipers, Rep. Jacobs demanded the yeas and nays.

The demand was supported.

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

Rep. Patterson moved that consideration of the amendment be postponed temporarily,

The motion prevailed.

Rep. Switalski moved to amend the bill as follows:

1. Amend page 68, line 16, after “exceed” by striking out “\$1,950,000.00” and inserting “\$6,950,000.00.”.

2. Amend page 75, line 25, after “2000-2001” by inserting a comma and “AND AN AMOUNT NOT TO EXCEED \$5,200,000.00 FOR 2001-2002”.

3. Amend page 75, line 27, after “\$200,000.00” by striking out the balance of the line through “and” on line 1, page 76.

4. Amend page 76, line 10, after “2000-2001” by inserting “AND AN AMOUNT NOT TO EXCEED \$5,000,000.00 FOR 2001-2002”.

5. Amend page 135, line 23, by striking out “\$15,000,000.00” and inserting “\$10,000,000.00” and adjusting section 11 and enacting section 1 accordingly.

The question being on the adoption of the amendments offered by Rep. Switalski,

Rep. Switalski demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Switalski,

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

#### Roll Call No. 336

#### Yeas—104

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

#### Nays—0

Rep. Vander Roest moved that Rep. DeRossett be excused from the balance of today’s session. The motion prevailed.

Rep. Frank moved to amend the bill as follows:

1. Amend page 30, following line 6, by inserting:

“SEC. 12. (1) IF THE TOTAL STATE SCHOOL AID FUND REVENUE AVAILABLE FOR 2001-02 AS ESTIMATED AT THE JANUARY 2002 OR MAY 2002 REVENUE ESTIMATING CONFERENCE IS GREATER THAN \$10,454,700,000.00, IT IS THE INTENT OF THE LEGISLATURE THAT THE ADDITIONAL REVENUE BE USED TO RESTORE FUNDING IN WHOLE OR IN PART TO THE PROGRAMS LISTED IN SUBSECTION (3).

(2) IF THE TOTAL STATE SCHOOL AID FUND REVENUE AVAILABLE FOR 2002-03 AS ESTIMATED AT THE JANUARY 2002 OR MAY 2002 REVENUE ESTIMATING CONFERENCE IS GREATER THAN \$10,899,100,000.00, IT IS THE INTENT OF THE LEGISLATURE THAT THE ADDITIONAL REVENUE BE USED TO RESTORE FUNDING IN WHOLE OR IN PART TO THE PROGRAMS LISTED IN SUBSECTION (3).

(3) THE PROGRAMS THE LEGISLATURE INTENDS TO FUND AS DESCRIBED IN SUBSECTIONS (1) AND (2) ARE THE FOLLOWING:

(A) READING IMPROVEMENT GRANTS UNDER SECTION 32F(7).

(B) SUMMER SCHOOL GRANTS UNDER SECTION 32G.

(C) FULL-DAY SCHOOL READINESS GRANTS UNDER SECTION 32D(3).

(D) AT-RISK GRANTS UNDER SECTION 31A.

(E) MATH AND SCIENCE CENTER GRANTS UNDER SECTION 99.

(F) ADULT LEARNING PROGRAM FUNDING UNDER SECTION 108.

(G) PROFESSIONAL DEVELOPMENT UNDER SECTION 95.

(H) CLASS SIZE REDUCTION UNDER SECTION 32E.

(I) REGIONAL LITERACY CENTER UNDER SECTION 32F”.

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

Rep. Frank demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 337**

**Yeas—50**

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

**Nays—54**

Allen	Gilbert	Kuipers	Sanborn
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart

Cassis	Jansen	Newell	Tabor
Caul	Jelinek	Pappageorge	Toy
DeVuyst	Johnson, Rick	Patterson	Van Woerkom
DeWeese	Johnson, Ruth	Pumford	Vander Roest
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak
George	Kowall		

In The Chair: Ehardt

Rep. Dennis moved to amend the bill as follows:

1. Amend page 88, line 10, after “(4).” by inserting “IN ADDITION TO ALL OTHER APPROPRIATIONS UNDER THIS ACT, IF THE LEGISLATURE ENACTS LEGISLATION AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND FOR THIS PURPOSE, \$38,000,000.00 IS APPROPRIATED FROM THE COUNTERCYCLICAL BUDGET AND ECONOMIC STABILIZATION FUND TO THE STATE SCHOOL AID FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND THAT AMOUNT IS THEN APPROPRIATED FROM THE STATE SCHOOL AID FUND FOR 2001-2002 AND IS ALLOCATED TO BE USED FOR THE PURPOSES OF THIS SECTION.” and adjusting section 11 and enacting section 1 accordingly.

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

Rep. Dennis demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

### Roll Call No. 338

### Yeas—49

Adamini	Garza	McConico	Rivet
Anderson	Gielegem	Minore	Schauer
Basham	Hale	Murphy	Schermesser
Bernero	Hansen	Neumann	Sheltrown
Bogardus	Hardman	O’Neil	Spade
Bovin	Jacobs	Pestka	Switalski
Brown, B.	Jamnick	Phillips	Waters
Brown, R.	Kilpatrick	Plakas	Whitmer
Callahan	Kolb	Quarles	Williams
Clark, I.	Lipsey	Reeves	Wojno
Clarke, H.	Lockwood	Richardville	Woodward
Dennis	Mans	Rison	Zelenko
Frank			

### Nays—54

Allen	Gilbert	Kuipers	Sanborn
Birkholz	Godchaux	LaSata	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Jansen	Newell	Tabor



Caul	Jelinek	Pappageorge	Toy
DeVuyst	Johnson, Rick	Patterson	Van Woerkom
DeWeese	Johnson, Ruth	Pumford	Vander Roest
Drolet	Julian	Raczkowski	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak
George	Kowall		

In The Chair: Ehardt

The question being on the adoption of the amendment offered previously by Rep. Kuipers, Rep. Patterson moved that consideration of the bill be postponed for the day. The motion prevailed.

**House Bill No. 4945, entitled**

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending sections 1a, 3, 5, and 9 (MCL 399.201a, 399.203, 399.205, and 399.209), section 1a as added and sections 3, 5, and 9 as amended by 1992 PA 96. The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**Senate Bill No. 351, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2411 and 2412 (MCL 339.2411 and 339.2412), section 2411 as amended by 1991 PA 166 and section 2412 as amended by 1980 PA 496.

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

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

Rep. Scranton moved to amend the bill as follows:

1. Amend page 5, line 25, after "TO" by striking out "THE SATISFACTION OF".
2. Amend page 7, line 16, after "DEMONSTRATE" by striking out "IN A MANNER ACCEPTABLE TO THE DEPARTMENT".

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

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Rep. Jacobs moved that Rep. Zelenko be excused from the balance of today's session.

The motion prevailed.

Rep. LaSata moved to amend the bill as follows:

1. Amend page 6, line 3, after "(B)" by striking out the balance of the line through "ARTICLE 5." on line 6.

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

Rep. LaSata demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 339****Yeas—5**Callahan  
Godchaux

Kolb

LaSata

Whitmer

**Nays—98**

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

In The Chair: Ehardt

Rep. Patterson moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 4946, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 29 (MCL 125.1679).

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4947, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as amended by 1999 PA 213.

The bill was read a second time.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4948, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 266 (MCL 206.266), as amended by 1999 PA 214.

The bill was read a second time.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4949, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 284, 287, 288, 289, and 292 (MCL 18.1284, 18.1287, 18.1288, 18.1289, and 18.1292), sections 284, 288, and 292 as added and section 289 as amended by 1988 PA 504 and section 287 as amended by 1992 PA 191.

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4950, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending section 2 (MCL 24.402).

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4951, entitled**

A bill to amend 1976 PA 69, entitled "An act to permit the secretary of state to acquire and operate state historic sites; to accept gifts for that purpose; and to permit investment in certain funds to carry out the purposes of this act," by amending the title and sections 1, 2, and 3 (MCL 399.111, 399.112, and 399.113).

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4952, entitled**

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2000 PA 88.

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4953, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76102, 76103, 76104, 76105, 76107, 76108, 76109, 76110, 76111, 76112, 76113, 76114, and 76118 (MCL 324.76102, 324.76103, 324.26104, 324.76105, 324.76107, 324.76108, 324.76109, 324.76110, 324.76111, 324.76112, 324.76113, 324.76114, and 324.76118), sections 76102, 76103, 76104, 76105, 76107, 76108, 76109, 76110, 76112, 76113, 76114, and 76118 as added by 1995 PA 58 and section 76111 as amended by 2000 PA 441.

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4954, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2137 (MCL 600.2137), as amended by 1992 PA 192.

The bill was read a second time.

Rep. Allen moved to substitute (H-1) the bill.

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

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

The motion prevailed.

**House Bill No. 4944, entitled**

A bill to amend 1913 PA 271, entitled "An act to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith," by amending sections 1, 4a, 6, 7, 7a, 8a, and 10 (MCL 399.1, 399.4a, 399.6, 399.7, 399.7a, 399.8a, and 399.10), section 4a as amended and section 10 as added by 1992 PA 190, sections 6 and 7 as amended by 1984 PA 309, and section 7a as added by 1988 PA 467.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4955, entitled**

A bill to amend 1984 PA 152, entitled "Michigan iron industry museum advisory board act," by amending the title and sections 3 and 4 (MCL 399.73 and 399.74), the title and section 3 as amended by 1990 PA 232.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4956, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 76501, 76503, 76504, 76508, 76703, 76901, and 76903 (MCL 324.76501, 324.76503, 324.76504, 324.76508, 324.76703, 324.76901, and 324.76903), as added by 1995 PA 58, and by adding part 779; and to repeal acts and parts of acts.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4957, entitled**

A bill to amend 1998 PA 409, entitled "Michigan freedom trail commission act," by amending sections 2 and 3 (MCL 399.82 and 399.83).

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Allen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

**House Bill No. 4174, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5735 (MCL 600.5735). The bill was read a second time.

Rep. Howell moved to amend the bill as follows:

1. Amend page 2, line 1, after "days" by inserting "OF THE ISSUANCE DATE OF THE SUMMONS".

2. Amend page 2, line 4, after "days" by inserting "OF THE ISSUANCE DATE OF THE SUMMONS".

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

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

The motion prevailed.

**House Bill No. 4939, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 114 and 219 (MCL 18.1114 and 18.1219), section 114 as amended by 1990 PA 332 and section 219 as amended by 1999 PA 8.

The bill was read a second time.

Rep. Thomas moved to amend the bill as follows:

1. Amend page 3, following line 20, by inserting:

"Sec. 251. (1) This section applies to all real property of the state except all of the following:

(a) Property under the jurisdiction of the state transportation department.

(b) Property under the jurisdiction of a state institution of higher education.

(c) Property under the jurisdiction of the department of natural resources.

(d) Property under the jurisdiction of the department of military affairs.

(2) The department shall provide for the development and maintenance of real property records and facility inventories. The department may award appropriate service contracts or employ land surveyors to survey, monument, map, describe, and record real property and facilities.

(3) The department shall issue directives to provide for the disposition process for facilities and lands that are considered surplus SUBJECT TO THE NOTICE REQUIREMENTS OF SUBSECTION (4). ~~The department shall require a public notice component in its directives regarding the disposition process under this subsection.~~

(4) NOT MORE THAN 30 DAYS AFTER THE DEPARTMENT DETERMINES THAT A PARCEL OF STATE PROPERTY IS CONSIDERED SURPLUS, THE DEPARTMENT SHALL GIVE PUBLIC NOTICE OF THE DEPARTMENT'S DETERMINATION. THE NOTICE SHALL BE BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY OR MUNICIPALITIES IN WHICH THE PROPERTY IS LOCATED AND ALSO BY WRITTEN NOTICE TO THE COUNTY AND EACH CITY, VILLAGE, OR TOWNSHIP IN WHICH THE PROPERTY IS LOCATED AND TO EACH CITY, VILLAGE, OR TOWNSHIP THAT HAS A BORDER WITHIN 10 MILES OF THE PROPERTY. THE NOTICE SHALL CONTAIN THE COMMON ADDRESS OF THE PROPERTY AND A DESCRIPTION OF THE PROPERTY IN RELATION TO HIGHWAYS, STREETS, STREAMS, OR OTHER PROMINENT LANDMARKS, A STATEMENT OF THE FAIR MARKET VALUE IF KNOWN, AND A DESCRIPTION OF THE PROPOSED USE FOR THE PROPERTY BY THE PROSPECTIVE PURCHASER IF KNOWN. THE NOTICE SHALL CONTAIN AN ADDRESS AND TELEPHONE NUMBER OF THE DEPARTMENT WHERE PERSONS MAY SUBMIT QUESTIONS OR COMMENTS REGARDING THE DEPARTMENT'S DETERMINATION THAT THE PARCEL OF STATE PROPERTY IS CONSIDERED SURPLUS."

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

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

The motion prevailed.

#### **House Bill No. 4940, entitled**

A bill to amend 1982 PA 540, entitled "Library of Michigan act," by amending the title and sections 2, 3, 4, 5, 6, 7, and 10 (MCL 397.12, 397.13, 397.14, 397.15, 397.16, 397.17, and 397.20), the title and sections 2, 4, and 6 as amended by 1995 PA 190 and sections 3, 5, 7, and 10 as amended by 1983 PA 114; and to repeal acts and parts of acts.

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

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

Rep. Thomas moved to amend the bill as follows:

1. Amend page 5, line 26, after "(2)" by striking out "EMPLOYEES" and inserting "FULL-TIME EQUATED POSITIONS".

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

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

The motion prevailed.

#### **House Bill No. 4941, entitled**

A bill to create a department of history, arts, and culture; to provide for its administration; and to provide for its powers, duties, functions, and responsibilities.

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

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

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

The motion prevailed.

#### **House Bill No. 4942, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 2, 3, and 5 (MCL 397.172, 397.173, and 397.175), section 3 as amended by 1997 PA 160.

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

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

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

The motion prevailed.

#### **House Bill No. 4943, entitled**

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending the title and sections 2, 3, 6, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 22, and 23 (MCL 397.552, 397.553, 397.556, 397.559, 397.561, 397.562, 397.564, 397.565, 397.566, 397.567, 397.568, 397.569, 397.570, 397.572, and 397.573), the title and sections 2 and 15 as amended by 1982 PA 541 and section 11 as amended by 1984 PA 432.

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

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

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

The motion prevailed.

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Rep. Patterson moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

Rep. Patterson moved that when the House adjourns today it stand adjourned until Thursday, June 28, at 12:00 Noon.

The motion prevailed.

By unanimous consent the House returned to the order of

### **Reports of Select Committees**

#### **House Bill No. 4255, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

(For text of conference report, see House Journal No. 56, p. 1053.)

The Senate has adopted the report of the Committee of Conference.

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

#### **House Bill No. 4256, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

(For text of conference report, see House Journal No. 55, p. 969.)

The Senate has adopted the report of the Committee of Conference.

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

#### **House Bill No. 4257, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(For text of conference report, see House Journal No. 55, p. 982.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

#### **House Bill No. 4259, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

(For text of conference report, see House Journal No. 55, p. 996.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

**Senate Bill No. 230, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

**First Conference Report**

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

**Senate Bill No. 230, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

Recommends:

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

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF AGRICULTURE**

APPROPRIATION SUMMARY:

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	647.5	
<b>GROSS APPROPRIATION</b> .....		\$ 100,969,600
Interdepartmental grant revenues:		
IDG from MDCH, local public health operations.....		8,977,500
IDG from MDCIS (LCC), liquor quality testing fees .....		164,000
IDG from MDCIS (LCC), nonretail liquor license fees.....		466,600
IDG from MDEQ, biosolids.....		80,000
IDG from MDEQ, right to farm .....		105,000
IDG from MDEQ, type II well survey .....		15,000
IDG from MDNR, district forestry and wildlife program.....		1,000,000
IDG from Michigan gaming control board.....		1,300,000
Total interdepartmental grants and intradepartmental transfers .....		12,108,100
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 88,861,500
Federal revenues:		
DAG, multiple grants.....		3,412,000
DAG-FS, multiple grants .....		100,000
DAG-NRCS .....		250,000
EPA, multiple grants .....		1,910,000
HHS-FDA .....		208,000
Total federal revenues .....		5,880,000
Special revenue funds:		
Total local revenues .....		0
Private - oil company overcharge settlement.....		991,900
Private - slow-the-spread foundation.....		130,000



	For Fiscal Year Ending Sept. 30, 2002
Total private revenues .....	1,121,900
Agriculture equine industry development fund.....	13,193,900
Agricultural preservation fund .....	700,000
Civil penalties .....	60,000
Commodity inspection fees .....	991,500
Gasoline inspection and testing fund.....	1,523,100
Groundwater and freshwater protection fund .....	4,668,200
Industry support funds .....	305,000
Licensing and inspection fees .....	5,025,600
Michigan state fair revenue.....	6,314,000
Pseudorabies and swine brucellosis fund .....	30,000
State services fee fund .....	3,555,800
Testing fees.....	200,700
Upper Peninsula state fair revenue.....	1,223,900
Weights and measures regulation fees .....	323,400
Total other state restricted revenues .....	38,115,100
State general fund/general purpose .....	\$ 43,744,500
<b>Sec. 102. EXECUTIVE</b>	
Full-time equated unclassified positions .....	6.0
Full-time equated classified positions .....	67.0
Commission and boards .....	\$ 63,300
Unclassified positions—6.0 FTE positions.....	486,700
Executive direction—4.0 FTE positions.....	535,000
Management services—58.0 FTE positions.....	5,317,300
Statistical reporting service—5.0 FTE positions .....	465,100
GROSS APPROPRIATION.....	\$ 6,867,400
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCIS (LCC), nonretail liquor license fees.....	8,800
Special revenue funds:	
Gasoline inspection and testing fund.....	47,800
Industry support funds .....	5,000
Licensing and inspection fees .....	62,100
Michigan state fair revenue.....	79,000
State services fee fund .....	160,500
Upper Peninsula state fair revenue.....	9,000
State general fund/general purpose .....	\$ 6,495,200
<b>Sec. 103. DEPARTMENTWIDE</b>	
Rent and building occupancy charges .....	\$ 1,647,100
GROSS APPROPRIATION.....	\$ 1,647,100
Appropriated from:	
Special revenue funds:	
Gasoline inspection and testing fund.....	3,200
State services fee fund .....	304,600
State general fund/general purpose .....	\$ 1,339,300
<b>Sec. 104. FOOD AND DAIRY</b>	
Full-time equated classified positions .....	119.0
Food safety and quality assurance—119.0 FTE positions .....	\$ 10,375,300
Local public health operations .....	8,977,500
GROSS APPROPRIATION.....	\$ 19,352,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCH, local public health operations.....	8,977,500
Federal revenues:	
DAG, multiple grants .....	22,500
HHS-FDA .....	183,600

	For Fiscal Year Ending Sept. 30, 2002
Special revenue funds:	
Civil penalties .....	60,000
Licensing and inspection fees .....	2,484,000
State general fund/general purpose .....	\$ 7,625,200
<b>Sec. 105. ANIMAL INDUSTRY</b>	
Full-time equated classified positions .....	56.0
Animal health and welfare—27.0 FTE positions .....	\$ 2,418,000
Bovine tuberculosis program—29.0 FTE positions .....	3,528,100
GROSS APPROPRIATION .....	\$ 5,946,100
Appropriated from:	
Federal revenues:	
HHS-FDA .....	9,000
Special revenue funds:	
Licensing and inspection fees .....	201,500
Pseudorabies and swine brucellosis fund .....	30,000
State general fund/general purpose .....	\$ 5,705,600
<b>Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT</b>	
Full-time equated classified positions .....	131.3
Pesticide and plant pest management—131.3 FTE positions .....	\$ 13,029,900
Disease and pest intervention fund .....	135,600
Michigan State University .....	210,000
Orchard or vineyard removal .....	37,800
GROSS APPROPRIATION .....	\$ 13,413,300
Appropriated from:	
Federal revenues:	
DAG, multiple grants .....	1,952,200
EPA, multiple grants .....	1,510,000
HHS-FDA .....	15,400
Special revenue funds:	
Private - slow-the-spread foundation .....	130,000
Commodity inspection fees .....	991,500
Licensing and inspection fees .....	2,278,000
State general fund/general purpose .....	\$ 6,536,200
<b>Sec. 107. ENVIRONMENTAL STEWARDSHIP</b>	
Full-time equated classified positions .....	55.0
Environmental stewardship—38.0 FTE positions .....	\$ 3,350,300
Groundwater and freshwater protection program—10.0 FTE positions .....	5,168,200
Farmland and open space preservation—7.0 FTE positions .....	700,000
Cooperative resources management initiative program .....	1,000,000
Energy conservation program .....	138,000
Forest stewardship program .....	100,000
Local conservation districts .....	2,734,400
Migrant labor housing .....	895,400
GROSS APPROPRIATION .....	\$ 14,086,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDEQ, biosolids .....	80,000
IDG from MDEQ, right to farm .....	105,000
IDG from MDEQ, type II well survey .....	15,000
IDG from MDNR, district forestry and wildlife program .....	1,000,000
Federal revenues:	
DAG-FS, multiple grants .....	100,000
DAG-NRCS .....	250,000
EPA, multiple grants .....	400,000
Special revenue funds:	
Private - oil company overcharge settlement .....	193,900

	For Fiscal Year Ending Sept. 30, 2002
Agricultural preservation fund .....	700,000
Groundwater and freshwater protection fund .....	4,668,200
Industry support funds .....	40,000
State general fund/general purpose .....	\$ 6,534,200
<b>Sec. 108. LABORATORY PROGRAM</b>	
Full-time equated classified positions .....	136.0
Laboratory analysis program—77.5 FTE positions .....	\$ 6,251,900
Pesticide data program—14.0 FTE positions .....	1,116,900
Consumer protection program—44.5 FTE positions.....	3,294,700
GROSS APPROPRIATION.....	\$ 10,663,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCIS (LCC), liquor quality testing fees .....	164,000
Federal revenues:	
DAG, multiple grants.....	1,137,300
Special revenue funds:	
Private - oil company overcharge settlement.....	798,000
Agriculture equine industry development fund.....	509,100
Gasoline inspection and testing fund.....	1,472,100
Testing fees.....	200,700
Weights and measures regulation fees .....	323,400
State general fund/general purpose .....	\$ 6,058,900
<b>Sec. 109. MARKET DEVELOPMENT</b>	
Full-time equated classified positions .....	20.5
Marketing and emergency management—14.5 FTE positions .....	\$ 2,035,100
Agriculture development—6.0 FTE positions .....	1,322,500
Food bank .....	964,600
Grown in Michigan .....	94,500
Northwest Michigan horticultural research station .....	41,800
Southwestern Michigan tourist council - taste of Michigan .....	60,400
Future farmers of America .....	60,000
Michigan sunset coast growers cooperative .....	200,000
GROSS APPROPRIATION.....	\$ 4,778,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDCIS (LCC), nonretail liquor license fees.....	457,800
Federal revenues:	
DAG, multiple grants.....	300,000
Special revenue funds:	
Industry support funds .....	260,000
State general fund/general purpose .....	\$ 3,761,100
<b>Sec. 110. FAIRS AND EXPOSITIONS</b>	
Full-time equated classified positions .....	23.0
Michigan state fair operations—10.0 FTE positions .....	\$ 6,092,100
Upper Peninsula state fair—8.0 FTE positions.....	1,392,800
Fairs and racing—5.0 FTE positions.....	615,800
Building and track improvement - county and state fairs .....	963,200
Premiums - county and state fairs .....	1,614,000
Purses and supplements - fairs/licensed tracks .....	2,819,900
Standardbred Fedele Fauri futurity.....	93,400
Standardbred Michigan futurity .....	93,400
Quarterhorse programs .....	45,800
Licensed tracks-light horse racing.....	88,800
Standardbred breeders' awards.....	1,427,600
Standardbred purses and supplements-licensed tracks.....	319,800
Standardbred sire stakes.....	1,196,100

	For Fiscal Year Ending Sept. 30, 2002
Thoroughbred sire stakes .....	1,196,100
Standardbred training and stabling.....	50,500
Thoroughbred program.....	2,093,100
Thoroughbred owners' awards .....	180,100
Distribution of outstanding winning tickets .....	500,000
Michigan festivals.....	50,000
Horse shows.....	38,300
<b>GROSS APPROPRIATION</b> .....	<b>\$ 20,870,800</b>
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund.....	10,104,600
Michigan state fair revenue.....	6,235,000
State services fee fund .....	3,090,700
Upper Peninsula state fair revenue.....	1,214,900
State general fund/general purpose .....	<b>\$ 225,600</b>
<b>Sec. 111. OFFICE OF RACING COMMISSIONER</b>	
Full-time equated classified positions .....	39.7
Office of racing commissioner—39.7 FTE positions.....	<b>\$ 3,880,200</b>
<b>GROSS APPROPRIATION</b> .....	<b>\$ 3,880,200</b>
Appropriated from:	
Interdepartment grant revenues:	
IDG from Michigan gaming control board.....	1,300,000
Special revenue funds:	
Agriculture equine industry development fund.....	2,580,200
State general fund/general purpose .....	<b>\$ 0</b>
<b>Sec. 112. BUDGETARY SAVINGS</b>	
Budgetary savings.....	<b>\$ (536,800)</b>
<b>GROSS APPROPRIATION</b> .....	<b>\$ (536,800)</b>
Appropriated from:	
State general fund/general purpose .....	<b>\$ (536,800)</b>

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$81,859,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$4,534,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

**DEPARTMENT OF AGRICULTURE**

Groundwater and freshwater protection program .....	\$ 1,800,000
Local conservation districts .....	2,734,400
<b>TOTAL</b> .....	<b>\$ 4,534,400</b>

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

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DAG-FS" means the United States department of agriculture - forest service.
- (c) "DAG-NRCS" means the United States department of agriculture - natural resources conservation service.
- (d) "Department" means the department of agriculture.
- (e) "Director" means the director of the department.
- (f) "EPA" means the United States environmental protection agency.
- (g) "FTE" means full-time equated.
- (h) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (i) "IDG" means interdepartmental grant.
- (j) "MDCH" means the Michigan department of community health.
- (k) "MDCIS (LCC)" means the Michigan department of consumer and industry services - liquor control commission.
- (l) "MDEQ" means the Michigan department of environmental quality.
- (m) "MDNR" means the Michigan department of natural resources.

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

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

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

(3) The hiring freeze does not apply to the animal industry program.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

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

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

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

Sec. 211. (1) The unexpended and unobligated balance of any state restricted fund or account remaining at the end of the fiscal year shall revert back to the state restricted fund or account from which appropriated and be available for appropriation for the next fiscal year. Appropriations that revert to a state restricted fund or account pursuant to this section shall not revert to the general fund of this state.

(2) A state restricted revenue fund or account that receives revenues in excess of expenditures made from that state restricted revenue fund or account shall not have the excess revenue revert to the general fund of this state.

(3) The revenues collected in the agriculture equine industry development fund in fiscal year 2000-2001 shall not lapse but shall be carried forward to fund appropriations made pursuant to this act and subsequent acts.

Sec. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2002. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the house and senate appropriations subcommittees on agriculture and to the senate and house fiscal agencies and the state budget director.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock that is killed by a wolf, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act of 1987, 1988 PA 466, MCL 287.701 to 287.747. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

(3) All indemnification payments for individual livestock or domestic animals within a herd, flock, or school shall be made pursuant to section 14 of the animal industry act, 1988 PA 466, MCL 287.714, based on 100% of the fair market value of that type of livestock or domestic animal, not to exceed \$4,000.00.

(4) For those payments made from January 1, 1998 through October 31, 2000, the department shall calculate the difference between what was paid for every herd, flock, or school and the rate paid subsequent to October 31, 2000.

(5) The department shall use bovine TB work project revenue to implement this section.

Sec. 213. When the department applies to the department of management and budget with a request for a transfer of appropriations or for a supplemental appropriation, the department shall provide the senate and house fiscal agencies with the same information that the department provides the department of management and budget relative to the request for transfer or supplemental.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the house and senate appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 215. The legislature will not fund nonfair or nonhorse racing grants or projects from revenues from simulcasting in fiscal year 2002-2003.

Sec. 216. The unexpended and unencumbered balance of revenue deposited pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320, for the fiscal year ending September 30, 2002 shall be appropriated to the Michigan agriculture equine industry development fund for distribution as set forth in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 217. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 218. By December 1, 2001, the department shall provide the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies a report that outlines programs funded under this act. The report shall provide explanation of the activities and personnel funded with each line item, consistent with the format of this act.

Sec. 219. (1) The negative appropriation for budgetary savings in part 1 shall be satisfied by savings from the hiring freeze imposed in section 205 and, if necessary, by other savings identified by the department director and approved by the state budget director.

(2) Appropriation authorizations shall be adjusted after the approval of transfers by the legislature pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 220. The department shall perform a job audit for the position of state fair manager. The audit shall look at duties and the job description to determine a competitive market based salary for the work performed. It is the intent of the legislature to have the state fair manager's salary proportional to the amount of responsibility in conducting the operations of the state fair. If the responsibility increases or decreases, the salary shall be adjusted accordingly.

Sec. 221. From the unexpended balance of the food safety and quality assurance appropriation contained in section 102 of 2000 PA 291, a grant up to \$750,000.00 may be utilized for value-added opportunities in support of Michigan turkey growers.

Sec. 222. The department, in conjunction with the Michigan department of economic development, shall perform a thorough cost and programmatic analysis on the effectiveness and efficiency of rural development programs and activities prior to moving the program from the department to the Michigan department of economic development.

### **EXECUTIVE**

Sec. 301. The appropriations in section 102 may be used for per diem payments to members of boards, committees, and commissions for a full day's board, committee, or commission work at which a quorum is present; for attending a hearing as authorized by the respective board, committee, or commission; or for performing official business as authorized by the respective board, committee, or commission. The per diem payments shall be at a rate as follows:

(a) Commission of agriculture.....	\$ 75.00 per day
(b) Upper Peninsula state fair board.....	\$ 50.00 per day
(c) Agricultural marketing and bargaining board .....	\$ 35.00 per day
(d) Michigan state fair council .....	\$ 50.00 per day
(e) Grape and wine industry council .....	\$ 50.00 per day

Sec. 302. The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

- (a) Management services publications.
- (b) Management services audit and licensing functions.
- (c) Upper Peninsula state fair livestock sales.
- (d) Pesticide and plant pest management propagation and certification of virus free foundation stock.
- (e) Pesticide and plant pest management bean inspection and grading services.
- (f) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
- (g) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
- (h) Laboratory support analysis of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
- (i) Laboratory support test samples for other agencies and organizations.
- (j) Fruit and vegetable inspection at shipping and termination points and processing plants.

Sec. 303. Of the funds appropriated in part 1 for statistical reporting service, \$120,000.00 shall be used for surveys which include, but are not limited to, fruit, vegetables, and nursery stock, which encompasses Christmas trees and ornamental plants. The director of the Michigan department of agriculture is given authority to include other agricultural surveys such as turfgrass in the 3- to 5-year rotation. The survey shall include information such as existing plantings/acreage, new plantings/acreage, production, and number of growers.

#### **FOOD AND DAIRY**

Sec. 401. (1) The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements. On or before April 1, 2002, the department shall report to the senate and house appropriations subcommittees on agriculture, the senate and house fiscal agencies, and the state budget director on local health department conformance with minimum program requirements.

(2) If a local unit of government incurs additional costs resulting from its efforts to control a significant food-borne outbreak, the director shall seek additional resources to reimburse the local unit of government for these additional costs. The director shall involve the local health officer of the jurisdiction affected in all aspects of the control of any food-borne outbreak.

Sec. 402. Not later than February 1, 2002, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 2000-2001 fiscal year.

Sec. 403. Not later than February 1, 2002, the department shall provide a report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies on the status of hazard analysis critical control points implementation efforts.

Sec. 404. (1) From the funds appropriated in section 104, up to \$25,000.00 shall be expended to locate milk vending machines in the concessions areas of the Clare welcome center on US-27 near Clare and the US-131 rest area in Montcalm County. The department shall work with the department of transportation in the placement and servicing of these machines.

(2) Funds appropriated in subsection (1) shall also be expended to locate milk vending machines in the Chippewa Hills school district, McBain Rural Agricultural school district, Pine River area schools, and Cadillac area schools. The department shall work with administrators at the schools to facilitate the location of the milk vending machines in their respective school buildings.

Sec. 405. The department, in conjunction with the department of community health, shall assure that a process is in place that requires a local unit of government to obtain prior approval from the department before any reallocation or redistribution of program funds appropriated in section 104.

#### **ANIMAL INDUSTRY**

Sec. 450. From the funds appropriated in section 105 for the bovine tuberculosis program, the department of agriculture shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department of agriculture goals and are jointly agreed to by the department of agriculture and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

#### **PESTICIDE AND PLANT PEST MANAGEMENT**

Sec. 501. Of the funds appropriated in section 106 to the pesticide and plant pest management division, up to \$100,000.00 may be made available to the Michigan cooperative extension service for the purpose of training of applicators. Reimbursement shall be based on actual expenditures and revenue availability.

Sec. 502. From the appropriation in section 106 for the disease and pest intervention fund program, the department shall utilize these funds as needed to respond to exotic or regulatory pests or diseases.

Sec. 503. The department is authorized to enter into a cooperative agreement with a nonprofit foundation or agency associated with the gypsy moth slow-the-spread program in order to receive funds for managing plant pests.

Sec. 504. The appropriation in section 106 for orchard or vineyard removal shall be used by the department to assist growers with the removal of abandoned orchards or vineyards in order to mitigate disease and plant pest infestation. Funds shall only be expended by the department if the following criteria are met:

- (a) Another landowner, orchard operator, or other impacted person has filed a complaint with the department.
- (b) The orchard/vineyard has not been managed to effectively control identified pests.
- (c) The unmanaged orchard/vineyard poses a risk to neighboring orchards based on distance criteria developed by Michigan State University extension.
- (d) The department will work cooperatively with Michigan State University extension or a commodity group representative to assure that the removal is necessary and appropriate.
- (e) A letter is sent by the department to the landowner indicating the problem and the need to properly manage the orchard/vineyard or remove it.
- (f) The department will work cooperatively with the landowner and may place a lien for the cost of removal against the property.

#### **ENVIRONMENTAL STEWARDSHIP**

Sec. 601. The funds appropriated in section 107 for the energy conservation program shall be distributed on a competitive basis that will be based on statewide energy conservation criteria.

Sec. 602. (1) The department may expend the amount appropriated in section 107 for migrant labor housing grants for construction of new migrant labor housing. Beginning October 1, 2001, project grants shall not exceed \$5,000.00 per unit. Beginning October 1, 2001, an applicant is not eligible for more than a \$20,000.00 grant in any fiscal year. Units shall be equivalent in construction to units approved by the DAG-rural development agency for low interest construction loans and shall be not less than 484 square feet in size and be self-contained with a minimum of 1 bedroom, a kitchen, a flush toilet, a lavatory, and bathing facilities.

(2) Any unexpended migrant labor housing funds from the prior year shall be available for grants in the subsequent fiscal year.

Sec. 603. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 604. The appropriation in section 107 for local conservation districts shall be allocated in the following manner:

(a) Of the total appropriation, \$690,000.00 shall be allocated for district forestry and wildlife programs to assist private land management. Grants to districts will be made in accordance with a plan developed by the department of agriculture in cooperation with the forest management division of the department of natural resources.

(b) Of the total appropriation, \$130,000.00 shall be allocated for local conservation district training.

(c) Of the total appropriation, each local conservation district meeting the minimum grant requirements shall receive a grant of \$20,000.00 to support basic operations, unless the district resides in a county consisting of multiple districts, in which case a \$20,000.00 grant shall be divided equally among the districts in that county. The amount of money allocated under this subdivision shall not be used by local conservation districts to replace any money received from local sources.

(d) Of the remaining appropriation after distributions under subdivisions (a) through (c), additional grants, not to exceed \$20,000.00 per local conservation district, may be provided based on a formula approved by the commission of agriculture. Grants under this subdivision shall require at least a 100% cash or in-kind local match. Criteria used to distribute grants under this subdivision shall include, but are not limited to, the natural resources need, the size, and the population of the area served by each local conservation district.

#### **MARKET DEVELOPMENT**

Sec. 701. Within the appropriations in section 109 for market development, \$457,800.00 is for the grape and wine industry council, from which the department may provide grants for the purposes as described in section 303 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1303.

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 703. (1) The \$94,500.00 appropriated in section 109 for the grown in Michigan program is to provide competitive grants to Michigan nonprofit organizations to raise in-state consumer awareness of Michigan grown commodities.

(2) The grants are to be made by the director on a competitive basis considering the following order of priority:

- (a) Cooperative efforts by recognized, statewide, grower-funded organizations.
- (b) The number of consumers made aware of the benefits of Michigan grown commodities.
- (c) The number of Michigan grown products encompassed in the proposal.



(d) The amount of the match.

(3) A grant made under this section shall not be less than \$2,500.00 or more than \$25,000.00.

(4) Each grant shall be matched equally with grantees' funds. In-kind contributions shall not be considered as matching funds.

(5) The department shall report to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies 10 days prior to making a grant under this section.

Sec. 704. Indirect costs may not be charged against the future farmers of America grant in section 109 by any administering agency.

Sec. 705. Of the funds appropriated in section 109 for agriculture development, \$200,000.00 shall be used to coordinate state participation in the federal market access program and to leverage federal funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. The department shall designate an account executive liaison position to work with the Michigan economic development corporation for the promotion of agriculture in Michigan.

Sec. 707. The department is authorized to receive and expend up to \$5,000,000.00 of utility company uncollectible allowance recovery fund resources which may be deposited into the agricultural development fund for the support of grants for value-added agricultural processing and agricultural production ventures in accordance with the Julian-Stillle value-added act, 2000 PA 322, MCL 285.301 to 285.304. The agriculture development fund resources when certified as available by the department of treasury shall remain unallotted until such time as the state budget director has reviewed and approved a department submitted allotment schedule. Expenditures for support of agricultural processing and production ventures shall not exceed revenues received. Unexpended resources remaining in the fund at the end of the fiscal year shall remain in the fund and not lapse to the general fund.

Sec. 708. The department shall actively assist the agriculture industry in obtaining federal funding for value-added initiatives, including the Michigan sunset coast growers cooperative.

**FAIRS AND EXPOSITIONS**

Sec. 801. The department shall submit a report each month for the fiscal year ending September 30, 2002 to the state budget director, the senate and house standing committees on appropriations, and the senate and house fiscal agencies that sets forth the simulcasting revenues generated in the preceding month by each licensed track and the amount received from license fees.

Sec. 802. (1) The appropriation of \$319,800.00 in section 110 for standardbred purses and supplements - licensed tracks is intended to provide state purse supplements for 4 races at state licensed pari-mutuel horse racing tracks. The purse supplements are to be used for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

(2) The appropriation in section 110 for licensed tracks - light horse racing shall be allocated as follows:

Arabian and Appaloosa horse racing.....	\$	22,200
Quarter horse racing.....	\$	66,600

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$30,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, the department shall develop a program to provide for thoroughbred owners' awards that will be given to owners of Michigan-bred horses finishing first in nonrestricted races at licensed pari-mutuel tracks in Michigan.

Sec. 805. The department shall notify the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies of any planned reductions in appropriations, allocations, or expenditures from the agriculture equine industry development fund no less than 10 days before such reductions are implemented.

Sec. 806. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 807. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 808. Of the amount appropriated in section 110 for premiums, \$11,400.00 shall be expended as a grant for the Michigan horse show association - fall youth show at the Michigan exposition and fairgrounds.

Sec. 809. From the appropriations for premiums - county and state fairs in section 110, \$120,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or expositions to promote youth involvement and

adult exhibitions in the animal agriculture industry. Appropriate exhibition classes for youth shall be developed that encourage a production exhibit for which premium awards may be paid. The age for youth exhibitors shall be determined by the standards of the association requesting the grant or, if standards do not exist, the age for youth exhibitors shall be ages 9 through 21. Implementation of the latest technologies into the evaluation of the animals shall be encouraged in the production exhibit. Adult exhibitions should focus on the performance or end product, or both, with the appropriate technologies used to enhance placings and the awarding of premiums.

Sec. 810. The appropriation in section 110 for Michigan festivals shall be allocated to the Michigan festivals and events association to promote commodity-related festivals on a statewide basis. The allocation to the Michigan festivals and events association is contingent upon the association providing at least a 100% cash or in-kind match.

Sec. 811. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252, and only after they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 812. An individual or other entity that leases land, a building, or other property under the Michigan exposition and fairgrounds act, 1978 PA 361, MCL 285.161 to 285.176, is not eligible for a state grant, loan, appropriation, or other state subsidy related to the leased land, building, or other property.

Sec. 813. (1) On or before January 29, 2002, the department, together with the senate and house fiscal agencies and the department of management and budget, shall estimate the unreserved and unencumbered closing balance of the agriculture equine industry development fund for the fiscal year ending September 30, 2001. The estimate shall consider lapsed appropriations from the fund and any carryforward amounts designated for appropriation in the fiscal year ending September 30, 2002.

(2) On or before February 5, 2002, the department shall request a legislative transfer in accordance with section 393 of the management and budget act, 1984 PA 431, MCL 18.1393, to appropriate any estimated unreserved and unencumbered agriculture equine industry development fund balance in excess of \$250,000.00. The appropriations included in the transfer request shall be in accordance with the requirements of section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320. At the same time the department forwards its transfer request to the department of management and budget, the department shall submit copies of the transfer request to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies.

Sec. 814. From the appropriation in section 110 for horse shows, the department shall implement a competitive horse show grant program.

Sec. 815. From the appropriation in section 110 for building and track improvement - county and state fairs, \$50,000.00 shall be awarded to licensed race meet operators for promotions, capital improvements, or operations at race meets which are conducted on facilities leased from county fairs. On or before December 31, 2001, the department shall report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies on the distribution of these funds.

#### **OFFICE OF RACING COMMISSIONER**

Sec. 901. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

Sec. 902. The department shall provide a cost analysis of moving the office of racing commissioner into the new state office building that agriculture will be occupying. The analysis shall be completed and submitted to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies by January 1, 2002.

Sec. 903. The office of racing commissioner, in cooperation with representatives of the racing industry, shall prepare a report on the competitiveness of the industry in comparison to other jurisdictions. The report shall examine all forms of wagering, including, but not limited to, site only simulcasting, telephone account wagering, slots, keno, and other forms of skilled wagering. In addition, the report shall compare all states and Canada in terms of the viability of their equine industry, purse pool revenue sources, the amount of revenue generated from the various types of wagering forms, and whether the additional sources of revenue have contributed to the short- and long-term viability of the industry. Furthermore, the report shall include information on how regulatory functions are funded in each state, and whether the state uses general fund type revenues or is self-supported with equine revenue. The office of racing commissioner shall submit the report to the house and senate fiscal agencies and the house and senate appropriations subcommittee on agriculture by October 31, 2001.

Sec. 904. The office of racing commissioner shall prepare on a quarterly basis a status report of all complaints or litigation filed by organizations, racetracks, and certified horsemen's organizations with the office of racing commissioner. The status report shall include the number of complaints filed, the type of complaint, the current status of the complaint, and what efforts were undertaken to resolve the complaint. The office of racing commissioner shall submit the report to the house and senate fiscal agencies and the house and senate appropriations subcommittee on agriculture beginning October 1, 2001.

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

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

George A. McManus, Jr.  
Harry Gast  
Don W. Koivisto  
Conferees for the Senate

Mike Pumford  
Jerry Vander Roest  
Clarence Phillips  
Conferees for the House

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

**Senate Bill No. 232, entitled**

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

**First Conference Report**

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

**Senate Bill No. 232, entitled**

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Recommends:

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

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. There is appropriated for the department of career development and the Michigan strategic fund for the fiscal year ending September 30, 2002, from the funds indicated in this part, the following:

**TOTAL APPROPRIATIONS**

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	1,375.0	
<b>GROSS APPROPRIATION</b> .....		\$ 707,420,700
Total interdepartmental grants and intradepartmental transfers .....		\$ 1,148,000
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 706,272,700
Federal revenues:		
Total federal revenues .....		526,634,300
Special revenue funds:		
Total local revenues .....		14,978,200
Total private revenues .....		3,246,300
Total other state restricted revenues .....		61,494,500
State general fund/general purpose .....		\$ 99,919,400

For Fiscal Year  
Ending Sept. 30,  
2002

**Sec. 102. DEPARTMENT OF CAREER DEVELOPMENT**

**(1) APPROPRIATION SUMMARY**

Full-time equated unclassified positions .....	6.0	
Full-time equated classified positions .....	1,141.0	
<b>GROSS APPROPRIATION</b> .....		\$ 529,374,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		1,048,000
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 528,326,500
Federal revenues:		
Total federal revenues .....		463,699,900
Special revenue funds:		
Total local revenues .....		14,978,200
Total private revenues .....		2,396,300
Total other state restricted revenues .....		11,444,500
State general fund/general purpose .....		\$ 35,807,600

**(2) DEPARTMENTAL ADMINISTRATION**

Full-time equated unclassified positions .....	6.0	
Unclassified salaries .....		\$ 496,900
<b>GROSS APPROPRIATION</b> .....		\$ 496,900
Appropriated from:		
State general fund/general purpose .....		\$ 496,900

**(3) DEPARTMENT OPERATIONS**

Full-time equated classified positions .....	103.0	
Administration—103.0 FTE positions .....		\$ 11,562,000
Building occupancy charges - property development services.....		651,300
Special project advances .....		200,000
Worker’s compensation .....		217,800
<b>GROSS APPROPRIATION</b> .....		\$ 12,631,100

Appropriated from:

Federal revenues:		
CNS .....		202,000
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....		4,329,100
DOL-ETA, workforce investment act.....		741,600
DOL, federal funds .....		3,279,000
Federal revenues .....		100,000
HHS, temporary assistance for needy families .....		1,064,200
Special revenue funds:		
Private - special project advances .....		200,000
Contingent fund, penalty and interest.....		412,000
State general fund/general purpose .....		\$ 2,303,200

**(4) WORKFORCE DEVELOPMENT**

Full-time equated classified positions .....	664.0	
Employment training services—569.0 FTE positions.....		\$ 64,818,300
Michigan career and technical institute—95.0 FTE positions .....		10,634,900
<b>GROSS APPROPRIATION</b> .....		\$ 75,453,200

Appropriated from:

Interdepartmental grant revenues:		
IDG-MDOC .....		32,400
Federal revenues:		
CNS .....		1,669,000
DAG, employment and training .....		258,300
DED-OPSE, multiple grants.....		815,500
DED-OSERS, centers for independent living .....		58,200
DED-OSERS, rehabilitation long-term training .....		566,900
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....		44,238,000
DED-OSERS, state grants for technical related assistance .....		55,700

	For Fiscal Year Ending Sept. 30, 2002
DOL-ETA, workforce investment act.....	4,259,500
DED-Perkins act .....	171,900
HHS, temporary assistance for needy families .....	3,497,600
HHS-SSA, supplemental security income .....	4,185,500
Special revenue funds:	
Private - gifts, bequests, and donations .....	1,396,300
Local vocational rehabilitation match .....	3,247,100
Rehabilitation services fees.....	1,236,900
Second injury fund.....	51,500
Student fees .....	308,000
Training material fees .....	256,300
State general fund/general purpose .....	\$ 9,148,600
<b>(5) CAREER EDUCATION PROGRAMS</b>	
Full-time equated classified positions .....	71.0
Career and technical education—32.0 FTE positions .....	\$ 2,989,200
Postsecondary education—23.0 FTE positions .....	2,392,400
Adult education—14.0 FTE positions .....	2,169,200
Commission on Spanish speaking affairs—2.0 FTE positions.....	217,600
<b>GROSS APPROPRIATION</b> .....	\$ 7,768,400
Appropriated from:	
Federal revenues:	
Federal revenues .....	5,616,900
Special revenue funds:	
Private occupational school license fees .....	274,100
Defaulted loan collection fees.....	100,000
State general fund/general purpose .....	\$ 1,777,400
<b>(6) DEPARTMENT GRANTS</b>	
Adult basic education.....	\$ 13,500,000
Council of Michigan foundations.....	6,000,000
Focus: HOPE .....	5,544,300
Job training programs subgrantees .....	106,818,300
Michigan community service commission subgrantees .....	6,807,300
Personal assistance services .....	462,000
Precollege programs in engineering and the sciences.....	1,044,700
Supported employment grants .....	1,441,300
Technology assistance grants .....	1,378,700
Carl D. Perkins grants.....	41,500,000
Vocational rehabilitation client services/facilities .....	50,183,400
Vocational rehabilitation independent living .....	3,165,700
Welfare-to-work programs .....	140,499,000
Adult education learning grants .....	225,000
<b>GROSS APPROPRIATION</b> .....	\$ 378,569,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC .....	1,015,600
Federal revenues:	
CNS .....	5,500,000
DAG, employment and training .....	13,000,000
DED-OSERS, centers for independent living.....	525,000
DED-OSERS, client assistance for individuals with disabilities .....	440,000
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....	34,935,200
DED-OSERS, rehabilitation services facilities.....	2,272,500
DED-OSERS, supported employment .....	1,441,300
DED-OSERS, state grants for technical related assistance.....	1,378,700
DED-OVAE, adult education.....	13,500,000
DED-OVAE, basic grants to states .....	41,500,000

	For Fiscal Year Ending Sept. 30, 2002
DOL-ETA, workforce investment act.....	104,602,700
DOL-ETA, welfare-to-work .....	20,000,000
HHS, temporary assistance for needy families .....	98,499,000
HHS-SSA, supplemental security income .....	2,362,500
Special revenue funds:	
Private - gifts, bequests, and donations .....	800,000
Contingent fund, penalty and interest account .....	1,000,000
Local vocational rehabilitation match .....	6,437,400
Local vocational rehabilitation facilities match.....	1,278,300
Tobacco settlement revenue .....	6,000,000
State general fund/general purpose .....	\$ 22,081,500
<b>(7) EMPLOYMENT SERVICE AGENCY</b>	
Full-time equated classified positions .....	303.0
Building occupancy charges - property development service .....	\$ 674,100
Worker's compensation .....	143,800
Employment services—251.0 FTE positions .....	49,184,200
Labor market information—52.0 FTE positions .....	4,453,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 54,455,200</b>
Appropriated from:	
Federal revenues:	
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants .....	1,304,900
DOL, federal funds .....	47,329,200
Special revenue funds:	
Contingent fund, penalty and interest account .....	1,805,700
Local revenue .....	4,015,400
State general fund/general purpose .....	\$ 0
<b>Sec. 103. MICHIGAN STRATEGIC FUND</b>	
<b>(1) APPROPRIATION SUMMARY</b>	
Full-time equated classified positions .....	234.0
<b>GROSS APPROPRIATION</b> .....	<b>\$ 178,046,200</b>
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers .....	100,000
<b>ADJUSTED GROSS APPROPRIATION</b> .....	<b>\$ 177,946,200</b>
Federal revenues:	
Total federal revenues .....	62,934,400
Special revenue funds:	
Total private revenues .....	850,000
Total other state restricted revenues .....	50,050,000
State general fund/general purpose .....	\$ 64,111,800
<b>(2) MICHIGAN STRATEGIC FUND</b>	
Full-time equated classified positions .....	234.0
Administration—40.0 FTE positions .....	\$ 5,395,600
Job creation services—194.0 FTE positions .....	25,060,100
Michigan promotion program.....	8,042,500
Economic development job training grants .....	29,548,000
Community development block grants .....	60,000,000
Health and aging research and development strategies.....	50,000,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 178,046,200</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDEQ, air quality fees .....	100,000
Federal revenues:	
DOL-ETA, employment service .....	771,200
HUD-CPD, Community development block grant.....	62,163,200
Special revenue funds:	
Private-Michigan certified development corporations fees.....	350,000

	For Fiscal Year Ending Sept. 30, 2002
Private-special project advances .....	500,000
Industry support fees.....	50,000
Tobacco settlement revenue .....	50,000,000
State general fund/general purpose .....	\$ 64,111,800

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$161,413,900.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$21,000,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

**MICHIGAN STRATEGIC FUND**

Economic development job training grants .....	\$ 21,000,000
Total Michigan strategic fund .....	\$ 21,000,000

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

Sec. 203. As used in this appropriation act:

- (a) "CDBG" means community development block grant.
- (b) "CEO" means chief executive officer of the Michigan strategic fund.
- (c) "CNS" means the corporation for national services.
- (d) "DAG" means the United States department of agriculture.
- (e) "DED" means the United States department of education.
- (f) "DED-OPSE" means the DED office of postsecondary education.
- (g) "DED-OSERS" means the DED office of special education rehabilitation services.
- (h) "DED-OVAE" means the DED office of vocational and adult education.
- (i) "Department" means the department of career development.
- (j) "Director" means the director of the department of career development.
- (k) "DOL" means the United States department of labor.
- (l) "DOL-ETA" means the DOL employment and training act.
- (m) "DOL-NOICC" means the DOL national occupational information coordinating committee.
- (n) "Fiscal agencies" means the Michigan house fiscal agency and the Michigan senate fiscal agency.
- (o) "FTE" means full-time equated.
- (p) "Fund" means the Michigan strategic fund.
- (q) "GED" means general education degree.
- (r) "HHS" means the United States department of health and human services.
- (s) "HHS-SSA" means HHS social security administration.
- (t) "HUD-CPD" means HUD community planning and development.
- (u) "IDG" means interdepartmental grant.
- (v) "MDEQ" means the Michigan department of environmental quality.
- (w) "MDOC" means the Michigan department of corrections.
- (x) "Subcommittees" means all members of the appropriate subcommittees of the house and senate appropriations committees.

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

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

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

Sec. 206. (1) In addition to the funds appropriated for the department and the fund in part 1, there is appropriated an amount not to exceed \$41,000,000.00 for the department and \$7,000,000.00 for the fund for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$8,000,000.00 for the department for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$1,000,000.00 for the department and \$500,000.00 for the fund for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

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

Sec. 211. Of the funds appropriated in part 1 that are in units other than the grants unit, the department and the fund shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department or the fund provides notice of the grant to the subcommittees at least 10 days before the grant is issued or at least 72 hours before any announcement to local governmental units or the public.

Sec. 212. The department and the fund shall establish and maintain affirmative action programs based on guidelines developed by the state equal opportunity workforce planning council which was created by Executive Order No. 1996-13 in order to receive general fund/general purpose dollars.

Sec. 213. The departments and state agencies receiving appropriations under this act shall receive and retain copies of all reports funded from appropriations in part 1. These departments and state agencies shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

#### **DEPARTMENT OF CAREER DEVELOPMENT**

Sec. 301. The Michigan career and technical institute may receive equipment and in-kind contributions for the direct support of staff services through the Pine Lake fund, the Delton-Kellogg school district or other local or intermediate school district, or any combination of local or intermediate school districts in addition to those authorized in part 1.

Sec. 302. The Michigan rehabilitation service shall make every effort to ensure that all sources of matching funds in this state are used to obtain federal vocational rehabilitation funds. All sources include, but are not limited to, privately raised funds to support public nonprofit rehabilitation centers as permitted by the rehabilitation act of 1973, Public Law 93-112, 29 U.S.C. 701 to 718, 720 to 751, 760 to 765, 771 to 776, 780 to 785, 791 to 794e, 795 to 795n, and 796 to 796l.

Sec. 303. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30, 2002.

Sec. 304. (1) Of the funds appropriated in part 1 for vocational rehabilitation independent living, all general fund/general purpose revenue not used to match federal funds shall be used for the support of centers for independent living which are in compliance with federal standards for such centers, for the development of new centers in areas presently unserved or underserved, for technical assistance to centers, and for projects to build capacity of centers to deliver independent living services. Applications for such funds shall be reviewed in accordance with criteria and procedures established by the statewide independent living council, the Michigan rehabilitation services unit within the department,



and the Michigan commission for the blind. Funds must be used in a manner consistent with the priorities established in the state plan for independent living. The department is directed to work with the Michigan association of centers for independent living and the local workforce development boards to identify other competitive sources of funding.

(2) The statewide independent living council and the Michigan association of centers for independent living shall jointly produce a report providing the following information:

(a) Results in terms of enhanced statewide access to independent living services to individuals who do not have access to such services through other existing public agencies, including measures by which these results can be monitored over time. These measures shall include:

(i) Total number of persons assisted by the centers and a comparison to the number assisted in the previous year.

(ii) Number of persons moved out of nursing homes into independent living situations and a comparison to the number assisted in the previous year.

(iii) Number of persons for whom accommodations were provided to enable independent living or access to employment and a comparison to the number assisted in the previous year.

(iv) The total number of disabled individuals served by personal care attendants and the number of personal care attendants provided through the use of any funds appropriated in part 1 administered by a center for independent living and a comparison to the number served in the previous year.

(b) Information from each center for independent living receiving funding through appropriations in part 1 detailing their total budget for their most recently completed fiscal year as well as the amount within that budget funded through the vocational rehabilitation independent living grant program referenced in part 1, the total amount funded through other state agencies, the amount funded through federal sources, and the amount funded through local and private sources.

(c) Savings to state taxpayers in other specific areas that can be shown to be the direct result of activities funded from the vocational rehabilitation independent living grant program during the most recently completed state fiscal year.

(3) The report required in subsection (2) shall be submitted to the appropriate appropriations subcommittees, the fiscal agencies, and the state budget director on or before January 15, 2002.

Sec. 305. (1) The appropriation in part 1 to the department for the work first program shall be expended for grants which provide employment and training services to family independence program applicants and recipients and may be expended for grants which provide employment and training services to former family independence program recipients, as well as to recipients of noncash public assistance, specifically child day care, Medicaid, or food stamp benefits. The work first program, however, shall not be construed to be an entitlement to services.

(2) An applicant may be a school district, intermediate school district, community college, public or private nonprofit college or university, nonprofit organization that provides school-to-work transition programs or that provides employment and training services or vocational rehabilitation programs or state licensed accredited vocational or technical education programs, proprietary school licensed by the state board of education, local workforce development board, or a consortium consisting of any combination of school districts, intermediate school districts, community colleges, nonprofit organizations described in this subsection, licensed proprietary schools, or public or private nonprofit colleges or universities described in this subsection.

(3) When the work first job search requirements have been completed, if the participant has not found employment, the work first site shall identify the barriers which may have prevented the participant from obtaining employment and assist the client in removing those barriers. The work first site shall also identify appropriate education and job training programs which would be available to the participant. When an individual is re-referred to work first because of an inability to retain employment, the department shall confer with the Michigan rehabilitation services, the family independence agency, or other professionals if deemed appropriate by the Michigan works agency to screen for and identify issues that are preventing the participant from succeeding in the labor market. Each Michigan works agency shall determine locally the number of times an individual may be re-referred back to the program before consulting with other service agencies. If no prohibitive barriers to work are found, the individual shall comply with the work first program, or be subject to appropriate penalties.

(4) Work first program participants shall include applicants and recipients of the family independence program established under section 57a of the social welfare act, 1939 PA 280, MCL 400.57a, and such individuals referred to a job club program by a county family independence agency board or a county friend of the court as long as the participation in the job club is part of an application made under this section.

(5) Participants in the work first program shall not be enrolled and counted in membership in a school district or intermediate school district.

(6) The department will work with the family independence agency to coordinate support services to work first participants relating to special/emergency needs.

(7) Work first program participants must receive or be provided an explanation of the program including their benefits and responsibilities before the job interview phase of the program. This explanation shall include clear guidelines with regard to an individual's eligibility for postemployment training support and for applying hours in training toward federal work requirements.

(8) The department shall make every effort to place a minimum of 50% of clients who participate in the work first program in positions that provide wages of \$6.00 per hour or more.

(9) The department shall submit to the fiscal agencies and the state budget director by March 15, 2002, a report on the work first program, including the number of participants served under this section, the number of persons who located employment through work first, the average wage of participants who found employment, the number of persons who retained jobs for 90 days, the number of participants placed in employment training and education programs, the number of clients referred to work first who failed to report, a compilation of barriers to employment by incidence and type experienced by participants, and the number of participants referred back to the family independence agency.

(10) The department shall provide to the state budget director and the fiscal agencies by May 15 and November 15 of each year a report on the work first grants. The report due by May 15 shall provide the information described in this subsection for each grant or contract awarded during the preceding 2 quarters of the state fiscal year. The report due by November 15 shall provide this information for each grant or contract awarded during the preceding full fiscal year. The report shall contain both of the following:

(a) The amount and recipient of each grant or contract.

(b) The number of participants in each service delivery area and the number of clients placed in employment in each service delivery area.

(11) The department and the family independence agency shall continue to collaborate on refining and making available to work first participants clear joint guidelines on the eligibility of work first participants for postemployment training support and on how training/education hours can be applied toward federal work participation requirements. These guidelines shall balance the ability of participants to obtain training and subsequent long-term, high-wage employment with the need to connect participants with the workplace. Any and all training/education, with the exception of high school completion and GED preparation, must be occupationally relevant and in demand in the labor market as determined by the workforce development board. Participants must make satisfactory progress while in training/education. The department shall submit a progress report on these continuing efforts to the house and senate appropriations subcommittees with jurisdiction over the department and the family independence agency and to the fiscal agencies by October 1, 2001.

(12) Work first participants may meet the work participation requirement by combining a minimum of 10 hours per week of work with training/education. Training/education may last up to 12 months and the calculated hours may include actual classroom seat time up to 10 hours per week plus up to 1 hour of study time for each hour of classroom seat time. The combined work and training/education hours must equal the minimum number of hours required to meet the federal work participation requirements, 30 hours per week for a single parent, 35 hours per week for 2-parent families, 55 hours if utilizing federally funded day care, and 20 hours per week for single parents with a child under the age of 6. Work first participants may enroll in additional hours of classroom seat time beyond 10 hours. However, these hours and the related study time will not count toward the work participation requirement. The training may be no longer than a 1-year program, or the final year of a 2- or 4-year undergraduate program which is designed to lead to immediate labor force attachment.

(13) Work first participants may meet the federal work participation requirement through enrollment in a short-term vocational program requiring 30 hours of classroom seat time per week for a period not to exceed 6 months, or by enrollment in full-time internships, practicums, or clinicals required by an academic or training institution for licensure, professional certification, or degree completion, without an additional work requirement. Two-parent families who receive federally funded day care must work an additional 25 hours per week to meet the federal work participation requirement. In cases where a short-term vocational program lasts less than 6 months, the participant shall be eligible to enroll in 1 additional short-term vocational program for a combined period not to exceed a total of 6 months.

(14) Work first participants who lack a high school diploma or GED and who enroll in high school completion or classes to obtain a GED may count up to 10 hours of classroom seat time, combined with a minimum number of hours of work per week, to meet their federal work participation requirement. There shall be no time limit on high school completion. GED preparation shall be limited to 6 months.

Sec. 306. (1) Using all relevant state data sources, the department shall acquire data on former work first participants, whose family independence program cases closed due to earnings during fiscal year 2000, for the third year in the continuing longitudinal study started in fiscal year 2000. In addition, first- and second-year data will also be compiled on former work first participants whose family independence program cases were closed due to earnings during fiscal years 2000 and 2001. The data will include the following:

(a) The number and percentage employed.

(b) The average hourly wage of those employed.

(c) The current hourly wage of those employed.

(d) The range of wages earned by those employed.

(e) The number of individuals that earned each wage amount.

- (f) The number and percentage receiving health care benefits from their employer.
  - (g) The number and percentage receiving tuition reimbursement from their employer.
  - (h) The number and percentage receiving training benefits from their employer.
  - (i) The type of jobs obtained by former participants in general categories.
  - (j) The length of time former participants have retained their jobs, or if participants have had more than 1 job, the length of time employed at each job.
  - (k) The number and percentage continuing to receive any type of public assistance.
  - (l) If the former recipient has children, whether the children are enrolled in and attending school.
  - (m) The extent to which the former participant feels that they and their family are better off now than when they were on cash assistance with regard to household income, housing, food and nutritional needs, child health care, and access to health insurance coverage.
- (2) The department shall file a report containing the identified data with the appropriate house and senate appropriation subcommittees and fiscal agencies by March 15, 2002.
- (3) The department shall cooperate with the family independence agency in formulating and acquiring the identified data.
- (4) The department may retain a third party to conduct the studies to obtain the data identified under this section.

Sec. 307. State and federal funds allocated to local workforce development boards for disbursement shall not be expended unless the local workforce development boards maintain a partnership with governmental agencies, public school districts, and public colleges located within the local service delivery area. Each board shall appoint an education advisory group made up of high-level administrators within local educational institutions, workforce development board members, other employers, labor, academic educators, and parents of public school pupils.

Sec. 309. (1) Of the funds appropriated in part 1 for precollege programs in engineering and the sciences, \$620,000.00 shall be provided in the form of a grant to the Detroit precollege engineering program, incorporated and \$424,700.00 shall be provided in the form of a grant to the Grand Rapids area precollege engineering program.

(2) The department shall submit a report to the appropriate subcommittees and the fiscal agencies by February 1, 2002 regarding dropout rates, grade point averages, enrollment in science, engineering, and math-based curricula, and employment in science, engineering, and math-based fields for students within the programs. The report shall continue to evaluate the effectiveness of the precollege programs in engineering and sciences funded through part 1 appropriations and shall make recommendations on whether state support to expand such programs to other areas of the state is warranted in future fiscal years.

Sec. 310. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the employment service agency from the United States department of labor are appropriated and may be expended for staffing and related expenses incurred in the operation of its programs. These funds may be spent after the department notifies the subcommittees and the state budget office of the purpose and amount of each grant award.

Sec. 311. (1) The department shall have at least 1 disabled veterans outreach program specialist or local veterans employment representative present, if able and willing to serve, at each Michigan works! employment services office on a full- or part-time basis during hours of operation.

(2) The department shall ensure that each Michigan works! employment services office shall have the necessary equipment to allow the disabled veterans outreach specialist or local veterans employment representative to perform his or her duties in the same manner they were performed prior to February 1, 1999.

(3) The department shall require each Michigan works! employment services office to have an employee available to ask each individual who enters the office for service whether that individual is a veteran and to refer each veteran to the disabled veterans outreach program specialist or local veterans employment representative on duty at the time.

(4) The department shall require that each Michigan works! employment services office shall have posted in a conspicuous place within the office a notice advising veterans that a disabled veterans outreach program specialist or a local veterans employment representative is available to assist him or her.

(5) The department shall require each Michigan works! employment services office to provide free mediated services to employers wishing to hire a veteran.

(6) The department shall continue to make the appropriate placement of veterans and disabled veterans a priority.

Sec. 312. The department shall report to the subcommittees by September 30, 2002, on the distribution of the Michigan community service commission volunteer investment grants.

Sec. 313. The funds appropriated in part 1 for the council of Michigan foundations from tobacco settlement revenue shall be distributed to the council of Michigan foundations as a grant to support local community efforts to address youth and senior health needs. The council may distribute the funds according to a formula determined by the council or may invest these funds. Any investment earnings from this appropriation shall be used for the same purpose as the original appropriation.

Sec. 314. The department may carry into the succeeding fiscal year unexpended federal pass-through funds to local institutions and governments that do not require additional state matching funds. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 and that do not require additional state matching funds are appropriated for the purposes intended.

Sec. 315. Of the amounts appropriated in part 1 for postsecondary education, private occupational school license fees shall fund related administrative costs of the proprietary schools oversight unit within the department.

Sec. 316. Money in the school loan exception fee fund that is unexpended at the end of the fiscal year shall not revert to the general fund but shall be carried over to the succeeding fiscal year.

Sec. 317. The department is appropriated an amount not to exceed \$100,000.00 from collection of defaulted loans under the future faculty program in the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks programs to offset costs of administering the loan collections.

Sec. 318. From the funds appropriated in part 1 for postsecondary education, the department shall compile data from each university that receives funding for the future faculty program within the King-Chavez-Parks initiative on employment outcomes for program participants. The report shall be distributed to the house and senate appropriations committees by February 1 of each year. The report shall include data from each participating university covering the most recently completed fiscal year. The data shall include all of the following:

(a) The number of participants receiving support under the program.

(b) The number of participants obtaining full-time employment.

(c) The number of participants obtaining full-time employment in college faculty positions.

(d) The number of participants obtaining full-time employment in college faculty positions within the university through which they received future faculty program support for graduate studies.

Sec. 319. The appropriation in part 1 for adult education shall be utilized to support the administration of up to \$100,000,000.00 in general fund/general purpose revenue for adult education programs. It is the intent of the legislature that department staff funded through the appropriation in part 1 ensure that at least \$80,000,000.00 in adult education program funding be distributed through the existing grant process as outlined in section 107 of the state school aid act of 1979, 1979 PA 94, MCL 388.1707. No more than \$20,000,000.00 may be administered through any alternative process.

Sec. 320. The department shall work with the department of community health to establish a Medicaid buy-in program for the working disabled through the options available under the federal ticket to work and work incentives improvement act of 1999.

Sec. 321. The King-Chavez-Parks initiative shall be marketed by the department to Michigan parents and high school and college students, to promote the benefits and the availability of the college day, select student support services, college/university partnership, visiting professors, Morris Hood, Jr. educator development, and future faculty programs. The department shall provide a report to the subcommittees on December 30, 2001 identifying all efforts taken to market these programs, including, but not limited to, the amount of funding allocated for this purpose, the fund source and any expenditures or encumbrances relating to this marketing effort. It is the intent of the legislature that the department administer the King-Chavez-Parks initiative in the same manner as when it was previously contained in the department of education and consistent with all boilerplate language pertaining to the above listed programs as included in the appropriations act for higher education institutions.

Sec. 322. Of the funding appropriated in part 1 for the adult education grants, \$75,000.00 shall be awarded to the Arab-American and Chaldean council, \$50,000.00 shall be awarded to the Arab community center for economic and social services, and \$100,000.00 shall be awarded to Jewish vocational services.

Sec. 323. The department shall work with the family independence agency to provide assistance to Created For Caring to enhance an employment skills training program for eligible families receiving assistance in order to compete for the welfare-to-work funding made available in part 1.

Sec. 325. The department shall work cooperatively with the department of civil service to identify state employees who will lose their jobs as a result of an agency or program being reorganized, modified, or eliminated and shall develop training programs and provide training to these individuals that will provide them an opportunity and skills necessary to secure new employment within state government or the private sector. It shall be a priority of the department to provide training and employment opportunities to these individuals through their employment service locations.

Sec. 326. From the funds appropriated in part 1 to job training programs subgrantees, the department shall allocate sufficient funds to the Michigan works! service centers to allow these centers to remain fully operational.

Sec. 327. It is the intent of the legislature that the department shall work with the disability rights coalition to identify all sources of state funding that may be used to match federal or private funding to create a loan program for assistive technology for persons with disabilities.

#### **MICHIGAN STRATEGIC FUND**

Sec. 401. (1) The appropriation in part 1 to the fund for economic development job training shall be expended for competitive grants that ensure employers have the trained workers they need to compete in the global economy. The fund shall expedite grant awards for employers locating or expanding in Michigan and thereby creating significant numbers of new jobs in the state.

(2) Not more than 5% of the total grant, administration, and operating funds appropriated in part 1 for the fund's economic development job training grants program may be expended for administrative costs. Not more than 12% of the total grant awarded to recipients may be expended for administration costs.

(3) No funds appropriated in part 1 to the fund for economic development job training grants may be expended for the training of permanent striker replacement workers.

(4) At least 70% of the economic development job training grant funds shall be awarded to community colleges or a consortium of community colleges and other eligible applicants pursuant to the requirements of this section.

(5) Training grants provided by private sector trainers may reach or exceed 20% of total grants, but not less than 10%.

(6) An applicant may be a school district, intermediate school district, community college, public or private nonprofit college or university, nonprofit organization whose primary purpose is to provide education programs or employment and training services or vocational rehabilitation programs or school-to-work transition programs, local workforce development board, the headquarters of a federal and state sponsored manufacturing technology center, or a consortium consisting of any combination of school districts, intermediate school districts, community colleges, nonprofit organizations described in this subsection, or public or private nonprofit colleges or universities described in this subsection.

(7) On or before October 1, 2001, the fund shall publish proposed application criteria, instructions, and forms for use by eligible applicants. The fund shall provide at least a 2-week period for public comment prior to finalization of the application criteria, instructions, and forms.

(8) The award process will include a simple notice of intent to be reviewed to see if the application merits further consideration. If so, a full application may be submitted. Applications for all grants shall be submitted to the fund, and each application shall contain at least all of the following:

(a) The name, address, and total number of employees of each business organization whose employees are receiving job training.

(b) A description of the specific job skills that will be taught.

(c) A clear statement of the project's scope of activities and number of participants to be involved.

(d) A commitment to maintain participant records in a form and manner required by the fund.

(e) A budget which relates to the proposed activities and various program components.

(9) Priority in the fund's awarding of grants shall be based on the following criteria:

(a) Demonstrated need for the type of training offered.

(b) Creation and/or retention of high wage and high skilled level jobs.

(c) Other criteria determined by the fund to be important.

(10) Not more than \$5,000,000.00 of the amount appropriated in part 1 for economic development job training may be allocated to rapid response grants for employee training programs which maintain or attract permanent jobs for Michigan residents. A grant under this subsection shall be awarded to eligible applicants under subsection (1).

(11) Participants in economic development job training programs shall be 16 years or older and not enrolled and counted in membership in a school district or intermediate school district.

(12) Funds allocated under this section shall be for the purpose of ensuring that employers have trained workers they need to compete in the global economy. The fund shall have on file a specific plan to accomplish its objectives. The program estimated completion cost is the total amount appropriated to the fund and shall have an estimated completion date of September 30, 2006.

(13) A recipient of a grant under this section shall not charge tuition or fees to participants in the program funded by the grant. However, a nonprofit organization may charge tuition or fees if the tuition plan or fees are recognized by the state and the nonprofit organization receives additional funding from other governmental or private funding sources for its programs.

(14) For incumbent worker training, the business organization shall provide 25% of the program costs in matching funds as determined by the program.

(15) Grant funds shall be expended on a cost reimbursement basis.

(16) A recipient of a grant under this section shall allow the fund or the agency's designee to audit all records related to the grant for all entities that receive money, either directly or indirectly through a contract, from the grant funds. A grant recipient or contractor shall reimburse the state for all disallowances found in the audit.

(17) The fund shall provide to the state budget director and the fiscal agencies by April 15 and November 1 of each year a report on the economic development job training grants. The report due by April 15 shall provide the information described in this subsection for each grant or contract awarded during the preceding 2 quarters of the state fiscal year. The report due by November 1 shall provide this information for each grant or contract awarded during the preceding full fiscal year. The report shall contain all of the following:

(a) The amount and recipient of each grant or contract.

(b) The number of participants under each grant or contract and the number of new hires who are in training under the grant.

(c) The names, addresses, and total number of employees of all business organizations for whom training is or will be provided.

(d) The matching funds, if any, to be provided by a business organization.

(18) Of the funds appropriated in part 1 for economic development job training grants, the fund shall not use these funds to finance the startup or in any way subsidize any private distributor of liquor products in Michigan.

(19) As a condition of receiving funds under part 1 of this act, the fund shall not expend any of the economic development job training grant funds to train any employee who is an officer of a corporation in a corporation employing more than 250 employees.

(20) Of the funds appropriated in part 1, \$1,000,000.00 may be used for a recruitment program. This will be a program that provides worker recruitment assistance to companies in Michigan. Priority for using the funds shall be to recruit workers from outside the state of Michigan. However, in the event funds are available for in-state recruitment efforts, the Michigan works! agencies shall be utilized unless they indicate they are unable to provide the service.

(21) Up to \$5,000,000.00 from prior years' carryforwards from 1997 PA 104, 1998 PA 306, and 1999 PA 120 may be used to create the Michigan growth capital fund to develop the technology business sector in Michigan. The fund will be used to encourage private and public investment in the technology business sector, and all of the following apply:

(a) An applicant must match state funds on a 1:1 basis.

(b) Eligible uses of the fund include investments in organizations and programs that promote the development of new industry sectors in Michigan; inducements to attract additional venture capital funds to finance technology development; support organizations, initiatives, or events that promote entrepreneurship; and support technology transfer and commercialization programs with universities and the private sector.

(c) The Michigan economic development corporation shall administer the programs supported by the Michigan growth capital fund.

(d) All funds received from repayment of loans, unused grants, revenues received from sales or cash flow participation agreements, guarantees, or any combination thereof or interest thereon, originally distributed as part of the Michigan growth capital fund, shall be received, held, and applied by the Michigan strategic fund for the purposes described in this subsection.

(e) Michigan economic development corporation shall provide an annual report on the status of Michigan growth capital fund to the subcommittees, the fiscal agencies, and the state budget office by January 31, 2002.

Sec. 402. Travel Michigan may establish and collect a fee to cover the cost of materials and processing of photographic prints, slides, videotapes, and travel product database information that are requested by the media and other segments of the public and private sectors. The fees collected shall be appropriated for all expenses necessary to purchase and distribute these photographic prints, slides, videotapes, and travel product database information. The funds are available for expenditure when they are received by the department of treasury.

Sec. 403. The fund shall submit an annual status report to the subcommittees and the state budget director on all activities, grants, and investment programs financed from the strategic fund using investment or Indian gaming revenues. The report shall provide a list of individual grants and loans made from the fund.

Sec. 404. Travel Michigan may receive and expend private revenue related to the use of the "Michigan Great Lakes. Great Times." copyrighted slogan and image. This revenue may come from the direct licensing of the name and image or from the royalty payments from various merchandise sales. Revenue collected is appropriated for the marketing of the state as a travel destination. The funds are available for expenditure when they are received by the department of treasury.

Sec. 405. Of the funds appropriated in part 1 for the Michigan promotion program, at least 25% of all program funds shall be used to promote cultural tourism opportunities in Michigan. In addition, \$25,000.00 shall be used to promote tourism activities in the northeast region of this state.

Sec. 406. The fund shall submit on or before May 1, 2002 and November 1, 2002 to the subcommittees, state budget office, and the fiscal agencies a listing of all grants which have been awarded by the fund or by the Michigan economic development corporation from the funds appropriated in part 1. The list shall include all of the following:

(a) The name of the recipient.

(b) The amount awarded to the recipient.

(c) The purpose of the grant.

Sec. 407. (1) The fund shall provide reports to the relevant subcommittees, the state budget office, and the fiscal agencies concerning the activities of the Michigan economic development corporation. The report shall include, but not be limited to, the following programs funded in part 1:

(a) Travel Michigan.

(b) Michigan business development.

(c) Global business development.

(d) Small, minority, and disabled business services.

(e) CDBG.

(f) Strategic fund administration.

(g) Renaissance zones.

(h) Business roundtables.

(i) Business and clean air ombudsman.

- (j) Economic development job training grants.
- (k) Film office.
- (l) Health and aging research and development initiative.
- (m) Community assistance team.
- (n) Any other programs of the fund.

(2) The reports in subsection (1) shall be submitted by January 1, 2002. The report for each program in subsection (1)(a) through (m) shall include details on the actual spending and number of FTEs for that program for the previous fiscal year.

Sec. 408. As a condition of receiving funds under part 1, any interlocal agreement entered into by the fund shall include language which states that if a local unit of government has a contract or memorandum of understanding with a private economic development agency, the Michigan economic development corporation will work cooperatively with that private organization in that local area.

Sec. 409. (1) Of the funds appropriated to the fund or through grants to the Michigan economic development corporation, no funds shall be expended for the purchase of options on land or the purchase of land unless at least 1 of the following conditions applies:

(a) The land is located in an economically distressed area.

(b) The land is obtained through a purchase or exercise of an option at the invitation of the local unit of government and local economic development agency.

(2) Consideration may be given to purchases where the proposed use of the land is consistent with a regional land use plan, will result in the redevelopment of an economically distressed area, can be supported by existing infrastructure, and will not cause shifts in population away from the area's population centers.

(3) As used in this section, "economically distressed area" means an area in a city, village, or township that has been designated as blighted; a city, village, or township that shows negative population change from 1970 and a poverty rate and unemployment rate greater than the statewide average; or an area certified as a neighborhood enterprise zone.

Sec. 410. (1) From the funds appropriated in part 1 for the fund, \$50,000,000.00 is appropriated for a health and aging research and development initiative to support basic and applied research in health-related areas, with emphasis on issues related to aging. The program shall be administered by the Michigan economic development corporation.

(2) A health and aging steering committee, appointed by the governor, shall consist of 14 members including the CEO of the Michigan economic development corporation, a member from Michigan State University, the University of Michigan, Wayne State University, the VanAndel Institute, and 2 members from the private sector. The remaining members shall be appointed at large and may include members from the private sector, public sector, or other Michigan universities. Committee members are authorized to designate alternate members. The purpose of the steering committee is to provide advice and oversight of the initiative, including the development of criteria for the award of contracts or grants to qualifying universities, institutions, or individuals. The steering committee will make decisions regarding distribution of these grant funds and has the authority to make minor adjustments to the category funding percentage based upon the demands within categories and the quality of the applications received.

(3) Of the funds appropriated, 40% is allocated for a basic research fund, to be distributed on a competitive basis to Michigan universities or Michigan nonprofit research institutes, or both, for basic research in health-related areas. Not less than \$5,000,000.00 is allocated to research related to aging diseases and health problems. In addition, 50% of the appropriated funds are earmarked for a collaborative research fund to support peer-reviewed collaborative grants among Michigan universities and/or private research facilities, with emphasis on testing or developing emerging discoveries. Up to 10% of the appropriated funds may be used to support a commercial development fund to support commercialization opportunities for life science research in Michigan. Appropriated funds must be matched with other university, private, or federal funding. Up to \$2,500,000.00 of the total appropriated funds may be used for administering the initiative.

(4) Repayment of any funds received as a result of awards made under 1999 PA 120, 2000 PA 292, or this act including, but not limited to, funds received as interest or return on investment shall be deposited in the fund described in subsection (3) from which it was awarded to be expended for the same purposes. These funds are authorized for expenditure upon receipt and shall not lapse to the general fund.

(5) The records of the health and aging steering committee involving a proposal submitted by an eligible entity that are of a scientific, technical, or proprietary nature, the release of which could cause competitive harm to the eligible entity as determined by the health and aging steering committee, are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 411. The money appropriated in part 1 to the fund is subject to the condition that none is spent for premiums or advertising material involving personal effects or apparel including, but not limited to, t-shirts, hats, coffee mugs, or other promotional items, except travel Michigan.

Sec. 412. (1) From the general fund/general purpose appropriations in part 1 to the fund and granted or transferred to the Michigan economic development corporation, any unexpended or unencumbered balance shall be disposed of in accordance with the requirements in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, unless carryforward authorization has been otherwise provided for.

(2) Any encumbered funds shall be used for the same purposes for which funding was originally appropriated in this act.

Sec. 413. As a condition of receiving funds under part 1, the fund shall ensure that a public body corporate, created under section 28 of article VII of the state constitution of 1963, and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund, complies with all of the following:

- (a) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
- (b) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- (c) Annual audits of all financial records by the auditor general or his or her designee.
- (d) All reports required by law to be submitted to the legislature.

Sec. 414. As a condition for receiving the appropriations in part 1, any staff of the Michigan economic development corporation involved in private fund-raising activities shall not be party to any decisions regarding the awarding of grants or tax abatements from the Michigan strategic fund, Michigan economic development corporation, or the Michigan economic growth authority.

Sec. 415. (1) All funds received from repayment of loans, unused grants, revenues received from sales or cash flow participation agreements, guarantees, or any combination thereof or interest thereon, originally distributed as part of the core communities fund, shall be received, held, and applied by the Michigan strategic fund for the purposes described in this act.

(2) The fund shall provide an annual report on the status of this fund. The report shall be provided to the subcommittees, the fiscal agencies, and the state budget office by January 31, 2002.

Sec. 416. Travel Michigan shall coordinate with Michigan-based ethnic destination marketing organizations to promote ethnic festivals and events in Michigan target markets.

Sec. 418. (1) The funding appropriated in part 1 of 200 PA 291 for the Michigan core communities fund will be used to create an urban revitalization infrastructure program in the Michigan strategic fund for economic development awards to create new jobs or contribute to redevelopment and encourage private investment in core communities.

(2) Awards will be provided to qualified local governmental units as defined in the obsolete property rehabilitation act, 2000 PA 146, or certified technology parks, as defined in the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(3) Awards can be used only for land and property acquisition and assembly, demolition, site development, utility modifications and improvements, street and road improvements, telecommunication infrastructure, site location and relocation, infrastructure improvements, and costs related to any of these, at the discretion of the Michigan economic development corporation.

(4) Funding may be provided in the form of loans, grants, sales or cash flow participation agreements, guarantees, or any combination of these. A cash match of at least 10%, or local repayment guarantee with a dedicated funding source, is required. Priority shall be given to projects which are integrated with existing economic development programs, and to projects in proportion to the amount that local matching rates exceed 10%.

(5) The Michigan economic development corporation shall have all administrative responsibility for the Michigan core communities fund and shall establish application and application scoring criteria and approve awards. The Michigan economic development corporation may utilize up to 1/2 of 1% of the fund for administrative purposes.

(6) Funds will be awarded through an open competitive process based on criteria including the following: project impact, project marketability, lack of adequate infrastructure or land assembly financing sources, local administrative capacity, and the level of local matching funds. Awardees shall agree to expedite the local development process, such as fast-track permitting procedures, streamlined regulatory requirements, standardized construction and building codes, and the use of competitive construction permitting fees.

(7) The appropriation of the Michigan core communities fund is a work project appropriations and any unencumbered or any allotted funds are carried forward into the following fiscal year. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project to be carried out is to provide awards to qualified local governmental units and certified technology parks for local economic development projects as defined by this section.

(b) The project will be accomplished through contracts.

(c) The total estimated cost of all awards is identified in the line-item appropriation.

(d) The tentative completion date is September 30, 2005.

(8) Funds will be awarded as part of 4 separate application periods. Deadlines for submitting applications for each of the 4 periods will be no later than September 1, January 1, April 1, and July 1 of each year. Awards for each of the application periods will be made on a quarterly basis.

(9) No single applicant shall be awarded more than \$10,000,000.00.

(10) Fifteen days prior to the award of the funds, notification shall be provided to the speaker of the house of representatives, the senate majority leader, the members of the house and senate appropriations committees, and the house and senate fiscal agencies.

(11) Funds shall not be awarded for any of the following purposes:



- (a) Land sited for use as, or support for, a gaming facility.
- (b) Land or other facilities owned or operated by a gaming facility.
- (c) Publicly owned land or facilities which may directly or indirectly support a gaming facility.

(12) As used in this section, "Michigan economic development corporation" means the public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999 between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund. If the Michigan economic development corporation is unable for any reason to perform its duties under this act, the Michigan strategic fund may exercise those duties.

#### **REPEALERS**

Sec. 419. Section 430 of 2000 PA 291 is repealed.

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

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by the state agencies; and to repeal acts and parts of acts.

Shirley Johnson  
Christopher D. Dingell  
Conferees for the Senate

Marc Shulman  
Sandra Caul  
Patricia Lockwood  
Conferees for the House

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

#### **Senate Bill No. 236, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

#### **First Conference Report**

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

#### **Senate Bill No. 236, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Recommends:

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

#### **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

##### **PART 1**

##### **LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

For Fiscal Year  
Ending Sept. 30,  
2002

**JUDICIARY****APPROPRIATION SUMMARY:**

Full-time equated exempted positions .....	591.5	
<b>GROSS APPROPRIATION</b> .....		\$ 246,040,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		2,818,500
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 243,221,700
Federal revenues:		
Total federal revenues .....		3,363,200
Special revenue funds:		
Total local revenues .....		2,912,900
Total private revenues .....		842,500
Total other state restricted revenues .....		56,288,900
State general fund/general purpose .....		\$ 179,814,200
<b>Sec. 102. SUPREME COURT</b>		
Full-time equated exempted positions .....	290.0	
Supreme court administration—121.0 FTE positions .....		\$ 14,610,900
Judicial institute—18.0 FTE positions .....		2,960,700
State court administrative office—81.0 FTE positions .....		9,464,000
Judicial information systems—21.0 FTE positions .....		4,810,100
Direct trial court automation support—33.0 FTE positions .....		2,912,900
Foster care review board—12.0 FTE positions .....		1,265,500
Community dispute resolution—4.0 FTE positions .....		2,498,700
Drug court program.....		1,700,000
<b>GROSS APPROPRIATION</b> .....		\$ 40,222,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG from MDCD .....		80,000
IDG from state police - criminal justice improvement .....		2,015,000
IDG from state police - Michigan justice training fund.....		300,000
Federal revenues:		
DOE, special education grant.....		130,000
DOJ, enforcing underage drinking law.....		50,000
DOJ, victims assistance programs .....		50,000
DOT, national highway safety traffic administration.....		215,300
HHS, court improvement project.....		592,200
HHS, domestic violence prevention .....		269,500
HHS-OSCE, access and visitation grant.....		387,000
HHS, TANF .....		100,000
HHS, title IV-D child support program .....		907,700
HHS, title IV-E foster care program.....		500,000
USDA, agriculture mediation grant.....		125,000
Special revenue funds:		
Local - user fees .....		2,912,900
Private.....		169,000
Private - interest on lawyers trust accounts .....		232,700
Private - state justice institute .....		370,800
Community dispute resolution fees .....		1,667,100
Law exam fees .....		482,900
Miscellaneous revenue .....		227,900
State court fund.....		319,000
State general fund/general purpose .....		\$ 28,118,800
<b>Sec. 103. COURT OF APPEALS</b>		
Full-time equated exempted positions .....	235.5	
Court of appeals operations—235.5 FTE positions .....		\$ 22,004,400
<b>GROSS APPROPRIATION</b> .....		\$ 22,004,400

For Fiscal Year  
Ending Sept. 30,  
2002

Appropriated from:	
Special revenue funds:	
Court filing/motion fees.....	1,571,000
Miscellaneous revenue.....	77,800
State general fund/general purpose.....	\$ 20,355,600
<b>Sec. 104. JUSTICES' AND JUDGES' COMPENSATION</b>	
Full-time judges positions.....610.0	
Supreme court justices' salaries—7.0 judges.....	\$ 1,144,100
Court of appeals judges' salaries—28.0 judges.....	4,210,500
District court judges' state base salaries—259.0 judges.....	23,717,300
District court judicial salary standardization.....	11,842,500
Probate court judges' state base salaries—106.0 judges.....	8,855,000
Probate court judicial salary standardization.....	4,287,100
Circuit court judges' state base salaries—210.0 judges.....	19,573,400
Circuit court judicial salary standardization.....	9,602,100
Judges' retirement system defined contributions.....	2,527,300
OASI, social security.....	4,403,800
GROSS APPROPRIATION.....	\$ 90,163,100
Appropriated from:	
Special revenue funds:	
Court fee fund.....	5,899,100
State general fund/general purpose.....	\$ 84,264,000
<b>Sec. 105. JUDICIAL AGENCIES</b>	
Full-time equated exempted positions.....10.0	
Judicial tenure commission—10.0 FTE positions.....	\$ 1,132,600
GROSS APPROPRIATION.....	\$ 1,132,600
Appropriated from:	
State general fund/general purpose.....	\$ 1,132,600
<b>Sec. 106. INDIGENT DEFENSE - CRIMINAL</b>	
Full-time equated exempted positions.....56.0	
Appellate public defender program—48.0 FTE positions.....	\$ 4,958,200
Appellate assigned counsel administration—8.0 FTE positions.....	931,700
GROSS APPROPRIATION.....	\$ 5,889,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from state police - Michigan justice training fund.....	423,500
Federal revenues:	
DOJ, assigned criminal defense.....	36,500
Special revenue funds:	
Private - interest on lawyers trust accounts.....	70,000
Miscellaneous revenue.....	113,100
State general fund/general purpose.....	\$ 5,246,800
<b>Sec. 107. INDIGENT CIVIL LEGAL ASSISTANCE</b>	
Indigent civil legal assistance.....	\$ 7,337,000
GROSS APPROPRIATION.....	\$ 7,337,000
Appropriated from:	
Special revenue funds:	
State court fund.....	7,337,000
State general fund/general purpose.....	\$ 0
<b>Sec. 108. TRIAL COURT OPERATIONS</b>	
Court equity fund reimbursements.....	\$ 73,840,400
Judicial technology improvement fund.....	2,900,000
GROSS APPROPRIATION.....	\$ 76,740,400
Appropriated from:	
Special revenue funds:	
Court equity fund.....	36,044,000
State general fund/general purpose.....	\$ 40,696,400

For Fiscal Year  
Ending Sept. 30,  
2002

**Sec. 109. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT**

Drunk driving case-flow program .....	\$	2,300,000
Drug case-flow program .....		250,000
GROSS APPROPRIATION.....	\$	<u>2,550,000</u>
Appropriated from:		
Special revenue funds:		
Drug fund .....		250,000
Drunk driving fund .....		2,300,000
State general fund/general purpose .....	\$	0

**PART 2  
PROVISIONS CONCERNING APPROPRIATIONS**

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$236,103,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$116,832,900.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

**SUPREME COURT**

State court administrative office - administration.....	\$	511,900
Drug court program.....		1,700,000

**TRIAL COURT OPERATIONS**

Court equity fund reimbursements .....	\$	73,840,400
Judicial technology improvement fund.....		2,900,000

**JUSTICES' AND JUDGES' COMPENSATION**

District court judicial salary standardization .....	\$	11,842,500
Probate court judges' state base salaries .....		8,855,000
Probate court judicial salary standardization .....		4,287,100
Circuit court judicial salary standardization.....		9,602,100
Grant to OASI contribution fund, employers share, social security.....		743,900

**GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT**

Drunk driving case-flow program .....	\$	2,300,000
Drug case-flow program .....		250,000
TOTAL .....	\$	<u>116,832,900</u>

Sec. 202. (1) The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Sec. 203. As used in this act:

- (a) "DOE" means the United States department of education.
- (b) "DOJ" means the United States department of justice.
- (c) "DOT" means the United States department of transportation.
- (d) "FTE" means full-time equated.
- (e) "HHS" means the United States department of health and human services.
- (f) "HHS-OSCE" means the office of child support enforcement.
- (g) "IDG" means interdepartmental grant.
- (h) "MDCD" means the Michigan department of career development.
- (i) "OASI" means old age survivor's insurance.
- (j) "TANF" means temporary assistance for needy families.
- (k) "USDA" means the United States department of agriculture.

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for federal contingency funds.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$500,000.00 for state restricted contingency funds.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds.

(5) A transfer of contingency funds within the judicial branch shall not be made by the authorized agent of the judicial entity unless approved by both appropriations committees. If the state budget director does not approve contingency fund transfers adopted by both appropriations committees under this section, the state budget director shall notify the appropriations committees of his or her action within 15 days.

Sec. 207. At least 90 days before beginning any effort to privatize, the judicial branch shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

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

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

(2) Funds appropriated in part 1 shall not be used for the purchase of out-of-state goods or services, or both, if competitively priced and comparable quality Michigan goods or services, or both, are available.

Sec. 210. (1) The chief justice of the supreme court shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the judicial branch. The chief justice shall strongly encourage firms with which the courts of this state contract to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

(2) The chief justice shall take all reasonable steps to ensure equal opportunity for all who compete for and perform contracts to provide services or supplies, or both, for the department. The chief justice shall strongly encourage firms with which the department contracts to provide equal opportunity for subcontractors to provide services or supplies, or both.

Sec. 211. (1) The judicial branch shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the judicial branch shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

Sec. 212. The judicial branch shall receive and retain copies of all reports funded from appropriations in part 1, and shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

#### **JUDICIAL BRANCH**

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service. A report of amounts collected in excess of funds identified as user service charges in part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies before January 1 of each year, a detailed list of user service charges collected during the immediately preceding state fiscal year.

Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Sec. 304. The judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted pursuant to section 53 of article IV of the state constitution of 1963.

Sec. 305. To avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to the state budget director and to the judiciary subcommittees of the house and senate appropriations committees regarding the status of the accounts set forth in part 1.

Sec. 306. (1) The chief financial officer of a funding unit for a court, in cooperation with the local court, shall provide to the state treasurer and state court administrative office by January 1, 2002 audited accounts of all money due and owing the court as of September 30, 2001. Where audited accounts are not available, the chief financial officer of a funding unit for a court may provide estimates as long as they are clearly marked as "estimated".

(2) The state treasurer shall report to the legislature a compilation of the estimated accounts receivable of all courts and cumulative totals by March 1, 2002. This report is a public record.

Sec. 308. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Sec. 309. Funds appropriated in part 1 for indigent defense shall be used in accordance with terms and conditions of section 1485(11)(b) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1485, including reference to federal prohibitions against providing legal assistance with respect to any proceeding or litigation which seeks to procure an abortion.

Sec. 310. (1) State general fund appropriation for community dispute resolution contained in part 1 shall be used to supplement funding for community dispute resolution centers. The supplemental funding shall be disbursed by formula to achieve a base level of \$30,000.00 for centers funded through the community dispute resolution act, 1988 PA 260, MCL 691.1551 to 691.1564, with the remainder disbursed based upon performance measures as determined by the state court administrative office.

(2) From the funds in part 1, the chief justice is strongly encouraged to distribute pamphlets of information on the community dispute resolution program, especially to those entities known to be points of referrals, including, but not limited to, all statewide judicial conferences, all courts, local units of government, legal organizations, prosecutors, attorneys, police departments, colleges and universities, and state departments.

Sec. 311. (1) The funds appropriated in part 1 for drug courts shall be administered by the state court administrative office to implement new drug court programs or for existing drug court programs if federal funds are no longer available. A drug court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorney, defense attorney, and community corrections providers.

(2) The funds may be used in connection with federal funds, and local units of government are encouraged to match state funding.

(3) Local units of government are encouraged to refer to federal drug court guidelines to prepare proposals. However, federal agency approvals are not required for funding under this section.

(4) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the Michigan justice institute to provide in-state training for those identified in subsection (1), including training for new drug court judges.

(5) For planning and implementation grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent to obtain an abortion. The report shall contain information from calendar years 2000 and 2001. The report shall include information from all counties on the number of petitions filed, the number of hearings held in response to petitions filed, and the number of waivers granted and denied. The state court administrator shall not seek any information regarding the identity of any minor who has petitioned the court, but shall provide aggregate data on the age of the minors petitioning the court and whether the minor resided in the county where the petition was filed. The report shall also indicate whether courts acted to report a potential child abuse to child protective services as provided in the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908.

Sec. 313. A county shall be required to pay a penalty due to the state's failure to be in compliance with federal child support enforcement system requirements if the county has not implemented the child support enforcement system and the family independence agency determines that the county is not in compliance with the child support enforcement system letter of agreement, or the county has not cooperated with the family independence agency in its implementation activities.

Sec. 315. If legislation is enacted to change the status and compensation of part-time probate judges, projected lapse funds from appropriations in part 1 shall be used to fully fund costs related to that statutory change prior to the transfer of funds to other lines within the judicial budget.

Sec. 316. (1) The appropriation in part 1 for the judicial technology improvement fund shall be allocated for the development of a statewide judicial information system. The supreme court, working with the department of state police, department of corrections, secretary of state, prosecuting attorneys association of Michigan, and the department of management and budget, will develop a statewide telecommunications infrastructure to integrate criminal justice information systems. The judicial technology improvement fund shall also provide grants to local trial court funding units to encourage technology innovations by local trial courts that will result in enhanced public service. These innovations will include, but not be limited to, electronic filing, on-line payments of fines and fees, and web-based instructions for completion of court documents. The judiciary may reimburse local court funding units, from the judicial technology improvement fund, 50% of the fees charged by credit card issuers to local courts for credit card payments of court fines, fees, costs, and other payments.

(2) Funds in part 1 may be used to develop, operate, and maintain a cyber court system.

Sec. 317. If funds become available from the federal government for mental health courts, the state court administrative office shall assist those local trial courts who are interested in starting a mental health court in writing grants and any other assistance that may help them receive such funds.

Sec. 318. The supreme court shall assist local trial courts with feasibility studies to create child care for parents who must appear in civil or criminal courts in order to improve the administration of justice in at least the following ways:

- (a) Reducing child related disruptions and delays.
- (b) Protecting safety of young children brought to courthouses.
- (c) Assisting with court-involved families.
- (d) Reducing the incidence of failure to appear caused by the inability of witnesses to find child care.

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2002; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Walter North  
Mike Goschka  
Christopher D. Dingell  
Conferees for the Senate

Patricia Godchaux  
John Stewart  
Hansen Clarke  
Conferees for the House

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

### **Senate Bill No. 237, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

### **First Conference Report**

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

### **Senate Bill No. 237, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Recommends:

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

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

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

Full-time equated unclassified positions .....	7.0	
Full-time equated classified positions .....	1,083.5	
<b>GROSS APPROPRIATION</b> .....		\$ 102,059,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		\$ 110,000
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 101,949,600
Federal revenues:		
Total federal revenues .....		36,386,100
Special revenue funds:		
Total local revenues .....		0
Total private revenues .....		480,000
Total other state restricted revenues .....		23,252,400
State general fund/general purpose .....		\$ 41,831,100

**Sec. 102. HEADQUARTERS AND ARMORIES**

Full-time equated unclassified positions .....	7.0	
Full-time equated classified positions .....	146.5	
Headquarters and armories—105.0 FTE positions .....		\$ 10,417,300
Unclassified military personnel.....		647,400
Military appeals tribunal .....		900
Michigan emergency volunteers.....		5,000
State active duty .....		70,100
Challenge program—41.5 FTE positions .....		3,170,700
<b>GROSS APPROPRIATION</b> .....		\$ 14,311,400

Appropriated from:

Interdepartmental grant revenues:		
IDG-challenge grant.....		110,000
Federal revenues:		
DOD-DOA-NGB.....		3,935,700
Special revenue funds:		
Rental fees .....		350,000
Mackinac Bridge authority.....		40,000
Private donations .....		105,000
State general fund/general purpose .....		\$ 9,770,700

**Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES**

Full-time equated classified positions .....	229.0	
Military training sites and support facilities—229.0 FTE positions .....		\$ 15,492,600
Military training sites and support facilities test projects.....		100,000
<b>GROSS APPROPRIATION</b> .....		\$ 15,592,600

Appropriated from:

Federal revenues:		
DOD-DOA-NGB.....		12,115,600
Special revenue funds:		
Test project fees .....		100,000
State general fund/general purpose .....		\$ 3,377,000

**Sec. 104. DEPARTMENTWIDE APPROPRIATIONS**

Departmentwide accounts .....		\$ 2,019,200
Special maintenance-state .....		501,200
Special maintenance-federal.....		2,302,000



	For Fiscal Year Ending Sept. 30, 2002
Military retirement.....	2,324,900
Counternarcotic operations.....	50,000
Starbase grant .....	600,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 7,797,300</b>
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	4,174,000
DOJ-DEA.....	50,000
State general fund/general purpose .....	\$ 3,573,300
<b>Sec. 105. VETERANS SERVICE ORGANIZATIONS</b>	
American legion.....	\$ 886,000
Disabled American veterans.....	732,400
Marine corps league.....	336,300
American veterans of World War II and Korea .....	464,800
Veterans of foreign wars .....	886,000
Michigan paralyzed veterans of America .....	165,700
Purple heart.....	157,900
Veterans of World War I.....	100
Polish legion of American veterans.....	41,200
Jewish veterans of America .....	41,200
State of Michigan council Vietnam veterans of America .....	159,500
Catholic war veterans.....	13,300
<b>GROSS APPROPRIATION.....</b>	<b>\$ 3,884,400</b>
Appropriated from:	
State general fund/general purpose .....	\$ 3,884,400
<b>Sec. 106. GRAND RAPIDS VETERANS' HOME</b>	
Full-time equated classified positions .....	539.0
Grand Rapids veterans' home—539.0 FTE positions .....	\$ 42,142,000
Board of managers .....	300,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 42,442,000</b>
Appropriated from:	
Federal revenues:	
DVA-VHA .....	11,881,100
HHS-HCFA, Medicare, hospital insurance .....	663,100
Special revenue funds:	
Private-veterans' home post and posthumous funds .....	300,000
Income and assessments.....	13,876,000
Lease revenue .....	35,000
State general fund/general purpose .....	\$ 15,686,800
<b>Sec. 107. D.J. JACOBETTI VETERANS' HOME</b>	
Full-time equated classified positions .....	153.0
D.J. Jacobetti veterans' home—153.0 FTE positions .....	\$ 12,834,400
Board of managers .....	75,000
<b>GROSS APPROPRIATION.....</b>	<b>\$ 12,909,400</b>
Appropriated from:	
Federal revenues:	
DVA-VHA .....	3,366,600
HHS-HCFA, Medicare, hospital insurance .....	200,000
Special revenue funds:	
Private-veterans' home post and posthumous funds .....	75,000
Income and assessments.....	4,080,100
State general fund/general purpose .....	\$ 5,187,700
<b>Sec. 108. MICHIGAN VETERANS' TRUST FUND</b>	
Full-time equated classified positions .....	16.0
Veterans' affairs directorate administration—3.0 FTE positions .....	\$ 351,200
Administration—13.0 FTE positions .....	1,024,800

	For Fiscal Year Ending Sept. 30, 2002
Veterans' trust fund grants .....	3,746,500
GROSS APPROPRIATION .....	\$ 5,122,500
Appropriated from:	
Special revenue funds:	
Michigan veterans' trust fund .....	4,771,300
State general fund/general purpose .....	\$ 351,200

PART 2  
PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$65,083,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$120,000.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
MILITARY TRAINING SITES AND SUPPORT FACILITIES

Payments in lieu of taxes .....	\$ 70,000
MICHIGAN VETERANS' TRUST FUND	
County counselor travel expenses .....	\$ 50,000
TOTAL .....	\$ 120,000

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

Sec. 203. As used in this act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Director" means the director of the department of military and veterans affairs.
- (c) "DOD" means the United States department of defense.
- (d) "DOD-DOA-NGB" means the DOD department of the army, national guard bureau.
- (e) "DOJ" means the United States department of justice.
- (f) "DOJ-DEA" means the DOJ drug enforcement agency.
- (g) "DVA" means the United States department of veterans' affairs.
- (h) "DVA-VHA" means the DVA veterans' health administration.
- (i) "FTE" means full-time equated.
- (j) "HHS" means the United States department of health and human services.
- (k) "HHS-HCFA" means the HHS health care financing administration.
- (l) "IDG" means interdepartmental grant.

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

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

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

Sec. 206. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,900,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

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

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

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

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

Sec. 211. The department shall create and retain reports for all money appropriated under part 1.

Sec. 212. (1) Of the funds appropriated in section 103 for military training sites and support facilities, there shall be established a Michigan national guard education assistance program. Disbursements to the educational assistance program shall not exceed \$2,000,000.00 without legislative approval. Under the program, a member of the national guard who is in active service and who enrolls as a full- or part-time student at a public or private state college or university may be eligible to receive up to an equivalent of 50% of the total cost of tuition not to exceed \$2,000.00, as education assistance, in any academic year.

(2) An eligible person means a member of the Michigan national guard who is in active service, as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505. An eligible person does not include a member of the Michigan national guard or air national guard who is absent without leave or who is under charges as described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(3) The department of military and veterans affairs, office of the adjutant general shall administer the education assistance program and prescribe forms and procedures to effectively carry out the education assistance program.

(4) An eligible person shall apply to the department of military and veterans affairs, office of the adjutant general for education assistance and shall provide evidence of attendance and completion of the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent. The adjutant general shall approve the application for reimbursement if the applicant meets the definition of an eligible person under subsection (2) and other criteria as established by the adjutant general.

(5) The education assistance program applies to any course of instruction that is included in an associate, undergraduate, or postgraduate degree program offered by a college or university of this state.

(6) The education assistance program applies to an eligible person notwithstanding any other educational incentive or benefit received by the eligible person under any other educational assistance program provided by any other state.

(7) An eligible person who successfully completes the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent, shall be eligible for reimbursement.

(8) The department of military and veterans affairs may use funds from the appropriated funds to administer the education assistance program.

(9) Reimbursed members who do not complete their national guard obligation shall pay the state for money received from the state for tuition. Members who fail to repay the state within the time limits established by the adjutant general shall be indebted to the state. The department shall work in conjunction with the department of treasury for inclusion in the tax intercept program for amounts due the state.

(10) A portion of the funds for the Michigan national guard education assistance program may be used by the department for the purpose of promoting the program and for encouraging those persons the department wishes to have enlist or reenlist in the Michigan national guard.

#### **HEADQUARTERS AND ARMORIES**

Sec. 301. The department may charge reasonable rental and equipment usage fees for renting an armory or using the distance learning network. The fee shall include the cost of overtime compensation, insurance coverage, and any maintenance required.

Sec. 302. The funds appropriated in this bill for private donations to the challenge program shall be considered state restricted revenue, and unexpended funds remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

Sec. 303. The department shall obtain a new appraisal to determine the fair market value of the Oak Park armory property. The results of that appraisal shall be forwarded to the city of Oak Park. For a period of 60 days following receipt of the appraisal by the city, the city of Oak Park shall have the right to purchase the armory property at a price equal to the appraised value under the appraisal obtained pursuant to this section. Any agreement regarding the sale of the property to the city of Oak Park shall comply with the provisions of section 382 of the Michigan military act, 1967 PA 150, MCL 32.782, and shall include a restriction that the city not receive any remuneration from the subsequent resale of the property to an outside party beyond the purchase price paid by the city and any reasonable expenses incurred by the city in developing the property. If the city has not formally notified the department within 60 days of its decision to purchase the property, the department shall proceed with the sale of the property under the provisions of the Michigan military act, 1967 PA 150, MCL 32.501 to 32.851. Proceeds from the sale of the property shall be deposited in the Michigan national guard armory construction fund, as provided in section 382a of the Michigan military act, 1967 PA 150, MCL 32.782a.

#### **DEPARTMENTWIDE APPROPRIATIONS**

Sec. 401. Money available from the Michigan national guard armory construction fund created in section 382a of the Michigan military act, 1967 PA 150, MCL 32.782a, is appropriated for expenditure for the purposes specified in that section.

#### **VETERANS SERVICE ORGANIZATIONS**

Sec. 501. (1) Money appropriated in section 105 for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(2) To receive a grant from the money appropriated in section 105, a veterans service organization shall meet the following eligibility requirements:

(a) Be congressionally chartered by the United States Congress.

(b) Be an active participating member of the Michigan veterans organizations' rehabilitation and veterans service committee and abide by its rules, guidelines, and programs.

(c) Demonstrate the receipt of monetary or service support from its own organization.

(d) Comply with the department's and the legislature's requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified in subsection (3).

(e) For a veterans service organization founded after September 30, 1989, be in operation and providing service to Michigan veterans for not less than 2 years before receiving an initial state grant. During this 2-year period of time, the organization shall file a listing of service work activity and an accounting of recoveries with the department, the senate and house fiscal agencies, and the senate and house of representatives subcommittees on military affairs on forms as prescribed by the department.

(3) A veterans service organization receiving a grant from the money appropriated in section 105 shall file with the department an accounting of its expenditures, audited and certified by a certified public accountant, within 120 days after the organization's fiscal year end. Each organization shall provide a detailed budget request for the fiscal year ending September 30, 2003 to the department by November 15, 2001 within the format as prescribed by the department to be used in the development of the budget for the fiscal year ending September 30, 2003. Each veterans service organization shall provide 5 copies of a listing of all service activity, an accounting of recoveries, and a listing of volunteer hours for the fiscal year ending September 30, 2001 to the department by January 31, 2002. The listing of volunteer hours shall include the hours, services, and donations provided to residents of the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home. Each veterans service organization shall provide a copy of the most recent and completed internal revenue service form 990 to the department at the end of the fiscal year ending September 30, 2001. A veterans service organization receiving a grant from the money appropriated in section 105 shall use the forms recommended by the Michigan veterans organizations' rehabilitation and veterans service committee for filing reports required by this act. The department shall forward information required under this section to the senate and house fiscal agencies and to the senate and house of representatives appropriations subcommittees on military affairs.

(4) The department shall review the existing guidelines for the administration of grants to veterans service organizations and forward any recommendations regarding changes or modifications to those guidelines to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies by December 31, 2001.

Sec. 502. Appropriations in section 105 for veterans service organizations shall include funding to provide services to veterans of World War I.

#### **VETERANS' HOMES**

Sec. 601. Appropriations in this act for the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall not be used for any purpose other than for veterans and veterans' families.

Sec. 602. The Grand Rapids veterans' home and the D.J. Jacobetti veterans' home, together with the department and the department of management and budget, shall produce and deliver to the senate and house of representatives appropriations subcommittees on state police and military affairs an annual written report. The report shall include an

accounting of member populations and bed space available; a description and accounting of services and activities provided to members; financial information; current state nursing home licensure status; the steps required for Medicaid certification, including a listing of any personnel, equipment, supplies, or budgetary increases required; and whether or not steps are being taken toward Medicaid certification. The annual report shall be submitted to the senate and house of representatives appropriations subcommittees on military affairs no later than February 1, 2002.

Sec. 603. The money appropriated in this act for the boards of managers may be expended for facility improvements, the purchase and repair of equipment and furnishings, member services, and other purposes that benefit the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home.

Sec. 604. The money appropriated in this act for the boards of managers of the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall be considered a work project account, and unexpended money remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

#### **VETERANS' TRUST FUND**

Sec. 701. In compliance with the various veterans' benefit programs funded by this state, a veteran who is denied benefits as a result of lack of properly disseminated information or due to misinformation relative to benefit eligibility shall be provided a review hearing by the Michigan veterans' trust fund board.

Sec. 702. The department may receive and expend revenue deposited to the Vietnam veterans memorial monument fund created under section 3 of the Michigan Vietnam veterans memorial act, 1988 PA 234, MCL 35.1053.

Sec. 703. (1) By April 1, 2002, the department shall submit to the senate and house of representatives appropriations subcommittees on military affairs a detailed annual report of the Michigan veterans' trust fund for fiscal year 2000-2001. The report shall include information on grants provided from the emergency grant program and the veterans survivor tuition program, including details concerning the methodology of allocations, the selection of emergency grant program authorized agents, and a detailed breakdown of trust fund expenditures for that year. The report shall also provide an update on the department's efforts to reduce program administrative costs.

(2) The annual report required under subsection (1) shall provide detailed information on the number of emergency grant applications denied during fiscal year 2000-2001, including an accounting of the reasons for denial. This information also shall include the number of persons denied an emergency grant because of individual ineligibility, because of insufficient funds, and because the applicant's request did not meet minimum program criteria.

(3) The annual report required under subsection (1) shall contain information on the veterans survivors tuition program, including the number of participants, where the participants attended school, payments made to each school, the average grade point and number of college credits earned by each participant, the number of participants suspended by the program, and the number of participants who earned a degree during fiscal year 2000-2001.

Sec. 704. The Michigan veterans affairs directorate administration and the Michigan veterans trust fund administration shall take steps to assist the county veterans counselors of the state to obtain training necessary for the execution of their duties.

Sec. 705. The Michigan veterans' memorial park commission may receive and expend gifts, contributions, and bequests from any person, public or private corporation, organization, foundation, governmental entity, or any other source for the purpose of establishing a veterans' memorial park. Money contributed to the Michigan veterans' memorial park commission shall be deposited in the state treasury through the department and shall be available for expenditure. Project costs authorized by this act shall not exceed the gifts, contributions, and bequests received. Money under this section and any specific work orders or projects adopted by the Michigan veterans' memorial park commission in accordance with section 451(2) of the management and budget act, 1984 PA 431, MCL 18.1451, do not lapse at the end of this fiscal year but are available for expenditure until September 30, 2003. Expenditures shall be in accordance with methods and procedures approved by the Michigan veterans' memorial park commission, the department, and appropriate state agencies.

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

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2002; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

Philip E. Hoffman  
Walter North  
Christopher D. Dingell  
Conferees for the Senate

Cameron Brown  
John Pappageorge  
Gretchen Whitmer  
Conferees for the House

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

**Senate Bill No. 238, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

**First Conference Report**

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

**Senate Bill No. 238, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Recommends:

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

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**PART 1**

**LINE-ITEM APPROPRIATIONS**

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2002, from the funds indicated in this part. The following is a summary of the appropriations in this part:

**DEPARTMENT OF STATE POLICE**

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	3,648.5	
<b>GROSS APPROPRIATION</b> .....		\$ 415,398,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers .....		\$ 19,927,500
<b>ADJUSTED GROSS APPROPRIATION</b> .....		\$ 395,470,500
Federal revenues:		
Total federal revenues .....		43,211,000
Special revenue funds:		
Total local revenues .....		3,913,700
Total private revenues .....		0
Total state restricted revenues .....		47,632,600
State general fund/general purpose .....		\$ 300,713,200

**Sec. 102. EXECUTIVE DIRECTION**

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	36.0	
Unclassified positions .....		\$ 260,400
Executive direction—29.0 FTE positions .....		3,389,500
Auto theft prevention program—7.0 FTE positions .....		6,539,600
<b>GROSS APPROPRIATION</b> .....		\$ 10,189,500
Appropriated from:		
Special revenue funds:		
Auto theft prevention fees.....		6,539,600
State general fund/general purpose .....		\$ 3,649,900

For Fiscal Year  
Ending Sept. 30,  
2002

**Sec. 103. DEPARTMENTWIDE APPROPRIATIONS**

Special maintenance and utilities .....	\$	479,400
Rent and building occupancy charges .....		7,789,400
Worker's compensation .....		2,553,000
Fleet leasing .....		14,637,900
In-service training .....		850,000
Narcotics investigation funds .....		265,000
GROSS APPROPRIATION .....	\$	<u>26,574,700</u>

Appropriated from:

Interdepartmental grant revenues:

IDT-Michigan justice training fund .....		850,000
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Federal revenues:

Federal narcotics investigation revenues .....		95,000
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Special revenue funds:

Narcotics investigation revenues .....		170,000
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State general fund/general purpose .....	\$	25,459,700
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**Sec. 104. SUPPORT SERVICES**

Full-time equated classified positions .....267.5

Human resources—35.5 FTE positions .....	\$	2,551,700
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Management services—60.0 FTE positions.....		4,002,600
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Training administration—44.0 FTE positions.....		4,838,300
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Communications—128.0 FTE positions .....		19,149,900
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GROSS APPROPRIATION .....	\$	<u>30,542,500</u>
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Appropriated from:

Interdepartmental grant revenues:

IDG-training academy charges .....		2,708,600
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Special revenue funds:

Local-LEIN fees .....		31,900
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Auto theft prevention fees.....		21,000
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Reimbursements .....		10,000
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Precision driving track fees.....		264,100
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Narcotics investigation revenues .....		40,600
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Motor carrier fees .....		122,000
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State general fund/general purpose .....	\$	27,344,300
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**Sec. 105. HIGHWAY SAFETY PLANNING**

Full-time equated classified positions .....26.0

State program planning and administration—14.0 FTE positions.....	\$	1,207,200
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Grants to local governments and nonprofit organizations.....		4,500,000
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Secondary road patrol administration—1.0 FTE position.....		123,800
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Secondary road patrol and traffic accident basic grants .....		6,523,200
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Secondary road patrol and traffic accident enhanced grants .....		6,402,300
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Truck safety program—2.0 FTE positions.....		2,972,700
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Field coordination and analysis—8.0 FTE positions .....		1,971,800
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Highway traffic safety—1.0 FTE position.....		3,973,800
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GROSS APPROPRIATION .....	\$	<u>27,674,800</u>
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Appropriated from:

Federal revenues:

DOT-NHTSA .....		10,517,600
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DOJ-OJJDP.....		560,000
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Special revenue funds:

Truck driver safety fund.....		2,972,700
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Secondary road patrol and training fund .....		6,402,300
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State general fund/general purpose .....	\$	7,222,200
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**Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER**

Full-time equated classified positions .....96.5

Criminal justice information center division—78.0 FTE positions.....	\$	8,684,400
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	For Fiscal Year Ending Sept. 30, 2002
Criminal records improvement—1.0 FTE position.....	4,727,600
Traffic safety—17.5 FTE positions .....	1,520,300
<b>GROSS APPROPRIATION</b> .....	<b>\$ 14,932,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOS.....	315,400
IDG-MDOT, state trunkline fund .....	338,500
Federal revenues:	
DOJ-BJS, national criminal history improvement program (NCHIP) .....	4,627,400
DOJ-BJA, drug control and system improvements, formula grants .....	100,200
DOT-NHTSA .....	386,700
Special revenue funds:	
Criminal justice information center service fees .....	3,092,500
Concealed weapons enforcement fee.....	140,000
State general fund/general purpose .....	<b>\$ 5,931,600</b>
<b>Sec. 107. CRIMINAL JUSTICE DATA CENTER</b>	
Full-time equated classified positions .....	53.0
State police-management information systems—19.5 FTE positions .....	<b>\$ 1,611,700</b>
Local LEIN services—19.5 FTE positions .....	4,257,600
Automated fingerprint identification system—14.0 FTE positions.....	2,509,000
Computer services.....	1,918,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 10,296,300</b>
Appropriated from:	
Special revenue funds:	
Local-LEIN fees .....	2,035,600
Local-AFIS fees .....	33,000
State general fund/general purpose .....	<b>\$ 8,227,700</b>
<b>Sec. 108. FORENSIC SCIENCES</b>	
Full-time equated classified positions .....	209.0
Laboratory operations—185.0 FTE positions .....	<b>\$ 15,961,500</b>
DNA analysis program—24.0 FTE positions .....	2,716,100
Grant to city of Detroit .....	721,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 19,398,700</b>
Appropriated from:	
Federal revenues:	
DOJ-BJA, drug control and system improvement, formula grants .....	580,200
Special revenue funds:	
Forensic science reimbursement fees .....	15,000
State forensic laboratory fund .....	900,000
State general fund/general purpose .....	<b>\$ 17,903,500</b>
<b>Sec. 109. COMMISSION ON LAW ENFORCEMENT STANDARDS</b>	
Full-time equated classified positions .....	28.0
Standards and training—24.0 FTE positions .....	<b>\$ 2,208,600</b>
Training only to local units .....	686,400
Officer's survivor tuition program .....	50,000
Michigan justice training commission—4.0 FTE positions .....	9,026,100
<b>GROSS APPROPRIATION</b> .....	<b>\$ 11,971,100</b>
Appropriated from:	
Federal revenues:	
DOJ-OJP .....	360,000
Special revenue funds:	
Secondary road patrol and training fund .....	686,400
Michigan justice training fund .....	9,026,100
State general fund/general purpose .....	<b>\$ 1,898,600</b>
<b>Sec. 110. FIRE MARSHAL</b>	
Full-time equated classified positions .....	55.0



	For Fiscal Year Ending Sept. 30, 2002
Fire marshal programs—44.0 FTE positions .....	\$ 3,885,200
Fire investigation training to locals.....	51,500
Fire fighters training council—11.0 FTE positions .....	1,721,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 5,657,900</b>
Appropriated from:	
Federal revenues:	
FEMA-PTED, emergency management planning and assistance .....	150,000
DOT-RSPA, interagency hazardous materials public sector training and planning grants .....	85,000
State general fund/general purpose .....	\$ 5,422,900
<b>Sec. 111. EMERGENCY MANAGEMENT</b>	
Full-time equated classified positions .....	49.0
Emergency management planning and administration—32.0 FTE positions .....	\$ 2,904,600
Grants to local government .....	2,182,100
FEMA program assistance—3.0 FTE positions .....	963,500
Nuclear power plant emergency planning—6.0 FTE positions .....	1,133,500
Hazardous materials transportation—1.0 FTE position .....	614,900
Hazardous materials programs—7.0 FTE positions.....	3,799,900
<b>GROSS APPROPRIATION</b> .....	<b>\$ 11,598,500</b>
Appropriated from:	
Federal revenues:	
FEMA-PTED, emergency management planning and assistance .....	4,652,700
DOT-RSPA, interagency hazardous materials public sector training and planning grants .....	579,900
DOJ-BJA, antiterrorism training .....	2,249,900
Special revenue funds:	
Nuclear plant emergency planning reimbursement.....	1,133,500
Hazardous materials training center fees.....	1,255,200
State general fund/general purpose .....	\$ 1,727,300
<b>Sec. 112. UNIFORM SERVICES</b>	
Full-time equated classified positions .....	2,084.5
Uniform services—610.0 FTE positions .....	\$ 50,830,600
Security guards—35.0 FTE positions .....	1,444,100
Reimbursed services .....	732,800
At-post troopers—1,439.5 FTE positions .....	114,219,000
State commercial mobile radio service projects .....	837,000
<b>GROSS APPROPRIATION</b> .....	<b>\$ 168,063,500</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges .....	610,100
IDG-MDOC .....	102,000
IDG-MDTR, emergency telephone fund.....	837,000
Federal revenues:	
DOL-ETA .....	150,000
DOJ-COPS .....	1,500,000
Special revenue funds:	
Highway safety fund .....	8,516,900
State police service fees.....	732,800
State general fund/general purpose .....	\$ 155,614,700
<b>Sec. 113. SPECIAL OPERATIONS</b>	
Full-time equated classified positions .....	61.5
Operational support—40.0 FTE positions .....	\$ 2,886,700
Traffic services—13.5 FTE positions .....	4,031,400
Aviation program—8.0 FTE positions.....	1,759,200
<b>GROSS APPROPRIATION</b> .....	<b>\$ 8,677,300</b>
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDOC, contract.....	76,000

	For Fiscal Year Ending Sept. 30, 2002
Federal revenues:	
DOT-NHTSA .....	2,380,800
Special revenue funds:	
Rental of department aircraft .....	201,300
Drunk driving prevention and training fund.....	971,500
State general fund/general purpose .....	\$ 5,047,700
<b>Sec. 114. CRIMINAL INVESTIGATIONS</b>	
Full-time equated classified positions .....460.5	
Criminal investigations—346.5 FTE positions .....	\$ 33,093,700
Federal antidrug initiatives—72.0 FTE positions .....	10,027,000
Reimbursed services, materials, and equipment .....	2,326,800
Auto theft prevention—10.0 FTE positions.....	1,158,500
Casino gaming oversight—32.0 FTE positions .....	3,545,900
GROSS APPROPRIATION.....	\$ 50,151,900
Appropriated from:	
Interdepartmental grant revenues:	
IDT-auto theft funds.....	892,800
IDG-MDTR, casino gaming fees.....	3,545,900
IDG-MDCH, tobacco tax .....	656,900
Federal revenues:	
Federal investigations-reimbursed services .....	513,600
DOJ-BJA, drug control and system improvement, formula grants .....	7,523,100
Federal narcotics investigation revenues .....	383,100
Special revenue funds:	
Local-reimbursed services.....	1,813,200
Narcotics investigation revenues .....	547,700
Forfeiture funds .....	269,500
Licensing fees .....	200,000
State general fund/general purpose .....	\$ 33,806,100
<b>Sec. 115. MOTOR CARRIER ENFORCEMENT</b>	
Full-time equated classified positions .....222.0	
Motor carrier enforcement—140.0 FTE positions .....	\$ 10,112,400
Truck safety enforcement team operations.....	1,048,900
Safety inspections—44.5 FTE positions.....	5,815,800
School bus inspections—16.0 FTE positions .....	1,457,000
Safety projects—6.5 FTE positions.....	1,234,900
GROSS APPROPRIATION.....	\$ 19,669,000
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	1,122,100
IDG-MDOT, state trunkline fund .....	7,872,200
Federal revenues:	
DOT-NHTSA .....	5,815,800
Special revenue funds:	
Motor carrier fees .....	3,401,900
State general fund/general purpose .....	\$ 1,457,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2001-2002 is \$348,345,800.00 and state spending from state resources to be paid to local units of government for fiscal year 2001-2002 is \$20,448,200.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol and traffic accident basic grants .....	\$ 6,523,200
Secondary road patrol and traffic accident enhanced grants.....	6,402,300

FORENSIC SCIENCES

Grant to city of Detroit ..... \$ 721,100

COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units ..... \$ 686,400

Michigan justice training commission ..... 5,624,700

FIRE MARSHAL

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

Fire investigation training for locals ..... 51,500

Total ..... \$ 20,448,200

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

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "COLES" means the commission on law enforcement standards.
- (c) "Department" means the department of state police.
- (d) "DNA" means deoxyribonucleic acid.
- (e) "DOJ" means the United States department of justice.
- (f) "DOJ-BJA" means the DOJ bureau of justice assistance.
- (g) "DOJ-BJS" means the United States DOJ bureau of justice statistics.
- (h) "DOJ-COPS" means the DOJ community oriented policing services.
- (i) "DOJ-OJJDP" means the DOJ office of juvenile justice and delinquency prevention.
- (j) "DOJ-OJP" means the DOJ office of justice programs.
- (k) "DOL" means the United States department of labor.
- (l) "DOL-ETA" means the DOL employment and training administration.
- (m) "DOT" means the United States department of transportation.
- (n) "DOT-NHTSA" means DOT national highway traffic safety administration.
- (o) "DOT-RSPA" means the DOT research and special programs administration.
- (p) "FEMA" means the federal emergency management agency.
- (q) "FEMA-PTED" means the FEMA preparedness, training, and exercises directorate.
- (r) "FTE" means full-time equated.
- (s) "IDG" means interdepartmental grant.
- (t) "IDT" means intradepartmental transfer.
- (u) "LEIN" means law enforcement information network.
- (v) "MDCH" means the Michigan department of community health.
- (w) "MDMB" means the Michigan department of management and budget.
- (x) "MDOC" means the Michigan department of corrections.
- (y) "MDOS" means the Michigan department of state.
- (z) "MDOT" means the Michigan department of transportation.
- (aa) "MDTR" means the Michigan department of treasury.

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

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

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

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

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

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

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

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

Sec. 208. The department shall continue to pilot the use of the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or legislative Intranet site. The senate and house of representatives appropriations subcommittees and senate and house fiscal agencies shall be notified in writing of the Internet or Intranet site of any such report. Quarterly, the department shall provide a cumulative listing of the reports submitted during the most recent 3-month period along with the Internet or Intranet site of each report, and a list of those reports expected to be transmitted in the following quarter.

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

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

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

Sec. 212. Of the state general fund/general purpose revenue appropriated in this act, \$89,229,400.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the violent crime control and law enforcement act of 1994, Public Law 103-322, 108 Stat. 1796, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

Sec. 213. The department is authorized to receive and to expend upon receipt any federal or state forfeiture money. Each quarter, the department shall notify the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies of the receipt of any federal or state forfeiture money. If funds are expended beyond the appropriations for federal or state forfeiture money enacted in part 1, the department shall notify the house and senate subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

Sec. 214. Any law enforcement entity receiving GF/GP funds from this act shall not evaluate an employee or consider an employee for promotion or assignment on the basis of motor vehicle citations issued.

Sec. 215. (1) Money appropriated under this act shall be used to maintain a sex offenders registry website on the Internet. The website shall be capable of being linked to and immediately be accessible from the websites of public officials, including legislators. The sex offenders registry website shall contain a listing of all those persons in the state convicted of a sex offense and required to be registered with the state under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732. Persons listed on the sex offenders registry website shall have information listed about them including, but not limited to, their name, aliases, date of birth, address, physical description, including, by December 31, 2001, a photograph, and a list of sex offenses of which they were convicted.

(2) There are sufficient funds appropriated in part 1 for maintaining the accuracy of the information contained in the sex offender registry website. The department shall assign sufficient personnel to ensure the accuracy and completeness of information concerning each registrant on the website by verifying the accuracy of registrants' addresses on a regular basis. The department shall vigorously apprehend and prosecute those who fail to comply with the sex offenders registration act.

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

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

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

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

Sec. 217. In conjunction with the department of transportation, the department of state police shall develop plans for the maintenance, scheduling, and use of all state-owned aircraft. It is the intent of the legislature that these plans maximize the safe and cost-efficient use of the state transportation air fleet. Whenever feasible, the department shall lease King Air aircraft from the department of transportation for its air transportation needs. The department shall prepare a joint report, coordinated by the department of transportation, on the development of these plans.

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

Sec. 219. Not later than March 15, 2002 and September 30, 2002, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight:

- (a) The amount of money received and expended.
- (b) The nature and structure of the casino gaming oversight unit.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

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

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

Sec. 222. It is the intent of the legislature that all reasonable efforts be undertaken to achieve a level of 1,349 at-post troopers.

#### **DEPARTMENTWIDE APPROPRIATIONS**

Sec. 251. Of the funds appropriated in section 103 for rent and building occupancy charges, funds shall be used for the necessary rental costs for the state police post in Marshall.

#### **SUPPORT SERVICES**

Sec. 301. (1) Money appropriated under section 113 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the state budget director.

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

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

(4) The department of state police shall provide a report to the house and senate appropriations committees, house and senate fiscal agencies, and the state budget director on April 15, 2002, and on October 15, 2002, indicating the amount of revenue collected under this section and deposited to the state general fund for the immediately preceding 6-month period.

#### **HIGHWAY SAFETY PLANNING**

Sec. 401. In addition to the money appropriated in section 105 and section 109, the department may receive and expend state restricted funds for the support of the secondary road patrol and traffic accident enhanced grants program and training to local units in accordance with section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e. Expenditures for the support of the secondary road patrol and traffic accident enhanced grants and training to local units program shall not exceed revenues received. If funds are expended beyond the appropriations for the secondary road patrol and traffic accident enhanced grants program and training to local units enacted in part 1, the department shall notify the house and senate subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

#### **CRIMINAL JUSTICE INFORMATION CENTER**

Sec. 501. A portion of the funds appropriated in section 106 for the criminal justice information center shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the law enforcement information network. The report shall include a description of departmental measures to protect the security of information in the law enforcement information network including safeguards that would prevent unauthorized persons from obtaining information from the law enforcement information network. The department shall deliver a copy of this report to the senate and house appropriations committees no later than April 1, 2002.

Sec. 502. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the law enforcement information network. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the law enforcement information network and determine whether or not those incidents were illegal. In those incidents which may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. When an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

#### **CRIMINAL JUSTICE DATA CENTER**

Sec. 601. The money appropriated in section 107 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN mainframe computer system.

Sec. 604. (1) It is the intent of the legislature that the department of state police explore the feasibility of establishing a method by which police officers can easily and readily obtain probation information concerning a person.

(2) The department shall report its findings to the appropriations subcommittees on state police and military affairs of the senate and house of representatives on or before January 15, 2002.

#### **FORENSIC SCIENCES**

Sec. 701. It is the intent of the legislature that from the grant to the city of Detroit under section 108 an amount of \$431,400.00 be allocated by the city to supplement the city's appropriations for the Detroit crime lab and an amount of \$289,900.00 be allocated by the city to the Detroit police special events account. The city of Detroit shall provide a report to the department detailing the expenditures made and the services provided from the money appropriated for the grant. This report shall be forwarded by the department to the house and senate appropriations subcommittees on state police, the house and senate fiscal agencies, and the state budget director by January 15, 2002.

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

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

Sec. 703. In conjunction with the Wayne County prosecutor's office, the department shall develop recommendations regarding evidence collection by health care providers in sexual assault cases, taking into consideration cases in which evidence has been ruled inadmissible or otherwise unavailable in a court prosecution. The department shall forward those recommendations to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies by December 31, 2001.

#### **COMMISSION ON LAW ENFORCEMENT STANDARDS**

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

Sec. 802. The money appropriated in section 109 for community policing coordination shall be used by the department to work in conjunction with local criminal justice agencies to implement and update an appropriate curriculum to support community policing. The department shall work as a coordinator to deliver community policing training.

Sec. 803. From the appropriations in section 109 for the training of new Michigan state troopers, other new police officers in the state, and the continuing education of all law enforcement officers in the state, sufficient funds shall be used for the purpose of including curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to use to turn appropriate cases over to the federal bureau of alcohol, tobacco and firearms or any other applicable federal criminal justice agency.

#### **FIRE MARSHAL**

Sec. 901. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than May 15, 2002.

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

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

(3) The report shall contain information about the quality and adequacy of service from the state fire investigation, education, and training under the reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during the first 6 months of fiscal year 2001-2002.

**EMERGENCY MANAGEMENT**

Sec. 1001. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.420. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

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

**UNIFORM SERVICES**

Sec. 1101. The department shall not expend any portion of the money appropriated in this act, including any expenditure made under an executive order, to plan for or to implement a roadblock or check lane system that has as its primary objective the deterrence or detection of intoxicated drivers in this state.

Sec. 1102. It is the intent of the legislature that the department maintain the maximum number of troopers on the road from the available money appropriated in this act.

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

**SPECIAL OPERATIONS**

Sec. 1201. In addition to the appropriations in section 113 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft. If funds are expended beyond the appropriation enacted in part 1 for the aviation program, the department shall notify the house and senate subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

Sec. 1202. From the funds appropriated in section 113, the department shall fund 1/3 the cost of an aeronautics safety officer position within the department of transportation to coordinate safety functions between the department, the department of transportation, and the department of natural resources. It is the intent of the legislature that the safety officer position shall be jointly funded by the 3 departments in equal shares.

**CRIMINAL INVESTIGATIONS**

Sec. 1301. (1) There is sufficient money appropriated in section 114 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

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

Sec. 1302. Funds appropriated under section 114 for private security guard, private detective, burglar alarm contractor and railroad police regulation shall be used in part to develop minimum standards for license holders. Those standards shall be forwarded to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies by December 31, 2001. In addition to the funds appropriated, the department may receive and expend state restricted funds for the support of this program. Expenditures for the support of the private security guard, private detective, burglar alarm contractor and railroad police regulation unit shall not exceed revenues received. If funds are expended beyond the appropriation for this unit enacted in part 1, the department shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 30 days concerning the additional expenditures.

**MOTOR CARRIER ENFORCEMENT**

Sec. 1401. The appropriation in section 115 for school bus inspections shall be used by the department of state police to inspect each school bus and pupil transportation vehicle annually, as required under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The department shall award a certificate to a school system if the system's school buses all received a 100% successful state inspection upon the first inspection in a given year.

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

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for certain reports and

the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

Philip E. Hoffman  
Walter North  
Christopher D. Dingell  
Conferees for the Senate

Cameron Brown  
John Pappageorge  
Gretchen Whitmer  
Conferees for the House

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

### **Senate Bill No. 233, entitled**

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2002; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The Senate has rejected the report of the Committee of Conference and has appointed Senators Bennett, Stille and Young as second conferees.

The Speaker appointed as second conferees, on the part of the House of Representatives Reps. Shulman, Caul and Lockwood.

The message was referred to the Clerk for record.

### **Reports of Standing Committees**

The Committee on Veterans Affairs, by Rep. Richardville, Chair, reported

#### **House Bill No. 4818, entitled**

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

With the recommendation that the substitute (H-1) be adopted.

The committee further recommended that the bill and substitute be referred to the Committee on Appropriations.

Favorable Roll Call

**HB 4818** To Report Out:

Yeas: Reps. Richardville, Woronchak, Mans, Woodward,

Nays: None.

The recommendation was concurred in and the bill and the substitute were referred to the Committee on Appropriations.

### **COMMITTEE ATTENDANCE REPORT**

The following report, submitted by Rep. Richardville, Chair of the Committee on Veterans Affairs, was received and read:

Meeting held on: Thursday, June 21, 2001, at 9:00 a.m.,

Present: Reps. Richardville, Woronchak, Mans, Woodward,

Absent: Reps. Allen, Patterson, Schermesser,

Excused: Reps. Allen, Patterson, Schermesser.

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

#### **Senate Bill No. 446, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for



licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10g (MCL 460.10g), as added by 2000 PA 141.

Without amendment and with the recommendation that the bill pass.

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

#### Favorable Roll Call

#### **SB 446** To Report Out:

Yeas: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Vander Veen, Rivet, Bovin, Bob Brown, Schauer, Woodward,

Nays: None.

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 26, 2001, at 10:30 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Vander Veen, Rivet, Bovin, Bob Brown, Schauer, Woodward,

Absent: Reps. Daniels, Thomas,

Excused: Reps. Daniels, Thomas.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Kuipers, Chair of the Committee on Education, was received and read:

Meeting held on: Tuesday, June 26, 2001, at 9:00 a.m.,

Present: Reps. Kuipers, Meyer, Allen, Bradstreet, DeWeese, Hager, Hart, Ruth Johnson, Van Woerkom, Voorhees, Hansen, Bogardus, Clark, Gielegem, McConico, Spade,

Absent: Rep. Zelenko,

Excused: Rep. Zelenko.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ruth Johnson, Chair of the Committee on Land Use and Environment, was received and read:

Meeting held on: Tuesday, June 26, 2001, at 10:30 a.m.,

Present: Reps. Ruth Johnson, Koetje, Birkholz, DeRossett, DeVuyst, Ehardt, Tabor, Kolb, Basham, Gielegem, Hale.

#### Notices

#### Cancelled Public Hearing

Committee on Family and Children Services

Date: Monday, June 25, 2001

Time: 1:30 p.m.

Place: Focus: Hope, 1400 Oakman Blvd., Detroit, Michigan 48238

Rep. Hart,  
Chair

Agenda: House Resolution No. 7, the community solutions act and any/or all business properly before this committee.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Friday, June 22, for his approval of the following bill:

**Enrolled House Bill No. 4789 at 11:44 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, June 22:

**House Bill Nos. 4980 4981 4982 4983 4984 4985 4986 4987**

The Clerk announced that the following Senate bills had been received on Tuesday, June 26:

**Senate Bill Nos. 291 463 545 546 547**

### Messages from the Governor

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

Date: June 21, 2001  
Time: 2:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4166 (Public Act No. 26, I.E.), being**

An act to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 2 (MCL 52.202).

(Filed with the Secretary of State June 22, 2001, at 11:20 a.m.)

Date: June 21, 2001  
Time: 4:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4429 (Public Act No. 27, I.E.), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1201 (MCL 380.1201).

(Filed with the Secretary of State June 22, 2001, at 11:22 a.m.)

Date: June 21, 2001  
Time: 4:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4505 (Public Act No. 28, I.E.), being**

An act to amend 1998 PA 57, entitled “An act to require contractors to provide certain notices to governmental entities concerning improvements on real property; to allow for the modification of contracts for improvement to real property; to provide for remedies; and to repeal acts and parts of acts,” by repealing section 6 (MCL 125.1596).

(Filed with the Secretary of State June 22, 2001, at 11:24 a.m.)

### Communications from State Officers

The following communication from the Auditor General was received and read:

June 25, 2001

Enclosed is a copy of the following audit report and/or executive digest:  
Financial Audit, Including the Provisions  
of the Single Audit Act, of the  
Department of Management and Budget  
October 1, 1998 through September 30, 2000

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on House Oversight and Operations.

### Introduction of Bills

Rep. Julian introduced

**House Bill No. 4988, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 707c (MCL 257.707c).  
The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Hardman and McConico introduced

**House Bill No. 4989, entitled**

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

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

Rep. Kuipers introduced

**House Bill No. 4990, entitled**

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

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

Reps. Kuipers, Vander Veen, Tabor, Gilbert and Hart introduced

**House Bill No. 4991, entitled**

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

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

Reps. Woodward, Jacobs, Schauer, Voorhees, Vander Veen, George, Kolb, Pestka, Hart, Godchaux, Whitmer, Murphy, Zelenko, Bernero, Bogardus and Pappageorge introduced

**House Bill No. 4992, entitled**

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

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

Reps. Hale, Raczkowski, Bogardus, Hardman and Lemmons introduced

**House Bill No. 4993, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39d.  
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Hardman, Lemmons, Murphy, Daniels, Clark, Lipsey, Jacobs, Rivet, Waters, Quarles, Hale and Phillips introduced

**House Bill No. 4994, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

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

Rep. Ruth Johnson introduced

**House Bill No. 4995, entitled**

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 40 (MCL 125.310), as amended by 2000 PA 384, and by adding section 16h.

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4792, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 1998 PA 245.

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

The House agreed to the full title.

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

**House Bill No. 4912, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43701, 43702, 43703, and 43704 (MCL 324.43701, 324.43702, 324.43703, and 324.43704), as added by 1995 PA 57, and by adding section 43705.

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

The House agreed to the full title.

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

**House Bill No. 4459, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 1996 PA 242.

The Senate has amended the bill as follows:

1. Amend page 3, line 7, by striking out all of subsection (4) and inserting:

"(4) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, FOR ANY CERTIFICATE ISSUED AS A RESULT OF THE ENACTMENT OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE EFFECTIVE DATE OF THE CERTIFICATE SHALL BE THE FIRST DAY OF THE TAX YEAR FOLLOWING THE YEAR THE CERTIFICATE IS APPROVED BY THE COMMISSION."

2. Amend page 3, line 18, by striking out all of enacting section 1.

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

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

**House Bill No. 4610, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2 as amended by 1996 PA 508 and section 6 as amended by 2000 PA 30, and by adding section 3a.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1990 PA 250, entitled "An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies," by amending section 2 (MCL 28.172), as amended by 1996 PA 508, and by adding section 3a.

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

**House Bill No. 4611, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18k of chapter XIIIA (MCL 712A.18k), as amended by 1998 PA 478.

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

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4612, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and ordered that it be given immediate effect.

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

**House Bill No. 4613, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520m (MCL 750.520m), as amended by 1996 PA 510.

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

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4633, entitled**

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 1998 PA 517.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4965, entitled**

A bill to divide this state into 110 representative and 38 senatorial districts; and to prescribe the powers and duties of certain state departments and officers.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1).

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

**Senate Bill No. 283, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2001; to implement the appropriations within the budgetary process; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 42, line 15, by striking out all of section 550 and inserting:

"Sec. 550. (1) In lieu of implementing per diems in policy bulletin MSA 01-03 related to Medicaid conditions of participation for hospitals and removing references to per diem payments, the Department may utilize up to

\$2,500,000.00 from the outpatient adjustor and \$1,500,000.00 from available lapses in the health plan services line to reimburse HMOs that can demonstrate that they have suffered a financial loss due to reimbursing non-contracting hospitals at fee-for-service rates rather than on a per diem basis. Medicaid notices of proposed policies 0039-Hospital and 0004-Hospital, relating to payments under the outpatient hospital adjustor and graduate medical education payments respectively, shall have all references to per diem payments deleted.

(2) It is the intent of the legislature that HMOs shall have contracts with hospitals within a reasonable distance from their enrollees. If a hospital does not contract with one or more HMOs, in which it has no financial interest and whose facility is in a service area with one or more HMOs, that hospital shall allow for the admission of HMO enrollees by a physician under contract with excluded HMOs who has admitting privileges at that hospital.

(3) In the absence of a contract with a hospital, a HMO shall reimburse that hospital at Medicaid fee-for-service rates for medically necessary and appropriately authorized services, arranged by a physician under contract with the HMO and who has admitting privileges at that hospital. The department shall reimburse the HMO the differential between the actuarially equivalent per diem rate and the actual Medicaid fee-for-service payment that was paid to the hospital by the HMO.

(4) The conditions specified in subsection (3) shall only apply to those HMOs that can certify that the capitation rates, on which their bid for inclusion in the state's Medicaid managed care program was made, were based on per diem and not fee-for-service estimates for inpatient hospital services.

(5) To the extent that a HMO identified in subsection (4) can demonstrate that they have sustained a financial loss, due to the requirement that they reimburse non-contracting hospitals on a fee-for-service basis rather than on a per diem basis, for the period from October 1, 2000 to the effective date of this act, the department shall reimburse the affected HMO for such losses from the fund sources identified in subsection (1)."

2. Amend page 45, line 19, by striking out all of line 19 through line 14 of page 46.

3. Amend page 48, following line 18, by inserting:

"Sec. 1302. Section 1706 of 2000 PA 296 is repealed."

The Senate has concurred in the House substitute (H-1) as amended and ordered that the bill be given immediate effect.

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

#### **Senate Bill No. 291, entitled**

A bill to make appropriations for the department of history, arts, and culture, certain other state departments, and certain other state purposes for the fiscal years ending September 30, 2002 and September 30, 2003; to make, supplement, and adjust appropriations for certain state departments and certain other state purposes for the fiscal years ending September 30, 2001 and September 30, 2002; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

#### **Senate Bill No. 463, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as added by 1995 PA 195.

The Senate has passed the bill.

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

#### **Senate Bill No. 545, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 1993 PA 190, and by adding section 302a.

The Senate has passed the bill.

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

#### **Senate Bill No. 546, entitled**

A bill to amend 1964 PA 282, entitled "An act to divide the state into 19 congressional districts; to provide for the nomination of candidates for representative in congress to be elected at the 1964 November election; and to repeal certain acts and parts of acts," by amending the title and section 1 (MCL 3.51) and by adding sections 3, 4, and 5.

The Senate has passed the bill.

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

**Senate Bill No. 547, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78g, 78k, 78o, and 124 (MCL 211.78g, 211.78k, 211.78o, and 211.124), sections 78g, 78k, and 78o as added by 1999 PA 123; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Lemmons, Garza, Woodward, Gielegem, Jacobs, Hardman, Whitmer, Murphy, Basham, Kolb, Rich Brown, Lipsey, Wojno, Daniels, Phillips, Adamini, McConico, Neumann, Sheltroun, Hansen, Rison, Hale, Dennis, Clarke, Stallworth, Kilpatrick, Reeves, O'Neil, Waters, Minore, Thomas and Zelenko offered the following resolution:

**House Resolution No. 166.**

A resolution memorializing President George W. Bush and the Congress of the United States to end military training on the Puerto Rican island of Vieques immediately, and to release from jail Reverend Al Sharpton and the three other Vieques protestors-New York City Councilman Adolfo Carrion, New York State Legislator Jose Rivera, and Bronx County Democratic Party Chairman Roberto Ramirez.

Whereas, Although the decision has been made to end military training in Vieques in the year 2003, it is not right to subject the people of Vieques to continued damage to their health and to the quality of their island's air and water for two more years; and

Whereas, President Bush himself, during his trip to Sweden, stated that the Puerto Ricans, who are United States citizens, are "our friends and neighbors, and they don't want us there"; and

Whereas, It would be a truer measure of our regard and friendship for the people of Vieques to end this intolerable situation immediately instead of prolonging it; and

Whereas, This country has had a long and proud history of "civil disobedience" since the days of Ralph Waldo Emerson and Henry David Thoreau; and

Whereas, It is hypocritical of our country to protest the inhumane acts toward the citizens of China and other countries while suppressing free speech in our own country; and

Whereas, The actions of Reverend Sharpton, Councilman Carrion, Legislator Rivera, and Chairman Ramirez were nonviolent and did not threaten our government or country; and

Whereas, This country has always upheld the principles of free speech and public protest; and

Whereas, It would be in keeping with the moral and political tenets of this nation not to take such a vengeful attitude toward the aforementioned gentlemen; now, therefore, be it

Resolved by the House of Representatives, That we urge the President of the United States, George W. Bush, and the members of Congress to end the military training in Vieques immediately and to call for the immediate release of Reverend Al Sharpton, New York City Councilman Adolfo Carrion, New York State Legislator Jose Rivera, and Bronx County Democratic Party Chairman Roberto Ramirez from jail; and be it further

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

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

Rep. DeVuyst offered the following resolution:

**House Resolution No. 167.**

A resolution to approve, and urge the Governor to execute, a certain tribal-state gaming compact between the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan (the Gun Lake Band) and the State of Michigan.

Whereas, Federally recognized Indian tribes have a right under federal law to operate gaming as a means of economic development within states that allow such gaming for any purpose by any person, organization, or entity; and

Whereas, The State of Michigan permits Class III gaming to be operated by nontribal entities under the Michigan Gaming Control and Revenue Act; and

Whereas, The Governor of the State of Michigan has negotiated tribal-state gaming compacts with 11 federally recognized Indian tribes, and the Michigan Legislature has approved all 11 compacts by resolution; and

Whereas, The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians of Michigan, which is also known as the Gun Lake Band, is a federally recognized Indian tribe; and

Whereas, The principles of fairness, equity, and justice dictate that the State of Michigan enter into a Class III gaming compact with the Gun Lake Band on terms consistent with the tribal-state compacts previously approved by the Michigan Legislature; and

Whereas, A tribal-state gaming compact between the State of Michigan and the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians of Michigan (the Gun Lake Band) has been prepared. This compact was filed with the Clerk of the Michigan House of Representatives on June 26, 2001, and is available for review; and

Whereas, The compact that has been prepared contains terms and conditions consistent with the previous 11 compacts signed by the Governor of the State of Michigan and approved by the Michigan Legislature; and

Whereas, This compact is the only Michigan compact that contains the additional requirements of adherence to Michigan laws and regulations concerning the production, distribution, and sale of tobacco; now, therefore, be it

Resolved by the House of Representatives, That we approve, and urge the Governor to execute, the tribal-state gaming compact on file with the Clerk of the House of Representatives between the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians (the Gun Lake Band) and the State of Michigan to govern the establishment of one Class III gaming facility located on tribal lands of the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, representatives of the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians of Michigan, and the United States Secretary of the Interior.

The resolution was referred to the Committee on Regulatory Reform.

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Rep. Lipsey moved that the House adjourn.

The motion prevailed, the time being 11:15 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Thursday, June 28, at 12:00 Noon.

GARY L. RANDALL

Clerk of the House of Representatives.