

**No. 59**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Tuesday, August 13, 2002.

12:00 noon.

The Senate was called to order by the President, Lieutenant Governor Dick Posthumus.

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

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

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

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

Senator Dianne Byrum of the 25th District offered the following invocation:

Lord, in this beautiful season as summer wanes to fall, Your splendor is on display. As we enjoy the natural beauty of Michigan, let us be mindful that there is also a splendor in the blessings of democracy that you have bestowed upon this state and this nation. Let us understand fully the majesty of a democracy in action, a thing beautiful in so many ways. Let us be appreciative of the freedom to choose our leaders in elections such as our recent primary and in the coming fall elections. Let us never take that freedom for granted.

Help us to use our positions and our talents to do what is good and proper. Let us remember those who are relying on us to make right and just decisions on this day and every day.

In Your name we pray. Amen.

### Motions and Communications

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

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

The following communication was received:

United States Board on Geographic Names

April 15, 2002

We are pleased to inform you that the U.S. Board on Geographic Names, at its April 11, 2002 meeting, approved your proposal to name a reservoir located in Lapeer County, Lake Henson. This decision was made in agreement with the findings and recommendations of the Michigan State Board on Geographic Names, the Marathon Township Board, and the Lapeer County Board of Commissioners. The new name has been entered into the Nation's official automated geographic names repository and will be published in Decision List 2002. The entry will read as follows:

Lake Henson: reservoir; 65 acres; located in NW Marathon Township, just SE of the community of Otter Lake, 6.4 km (4 mi) NNW of Columbiaville; named for Yvonne Leta Henson (d.1976); Lapeer County, Michigan; Sec 8,T9N,R9E, Michigan Mer; 4312'23"N, 8326'41"W; USGS map - Columbiaville 1:24,000.

Sincerely yours,  
Roger L. Payne  
Executive Secretary

The communication was referred to the Secretary for record.

The following communications were received:

Department of State

### Administrative Rules Notices of Filing

June 26, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:52 p.m. this date, administrative rule (02-06-02) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation No. 812, State Aid for Harness Horse Racing*," effective 15 days hereafter.

June 26, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:56 p.m. this date, administrative rule (02-06-03) for the Department of Agriculture, Pesticide and Plant Pest Management Division, entitled "*Regulation No. 636, Pesticide Applicators*," effective 7 days hereafter.

July 8, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:20 p.m. this date, administrative rule (02-07-01) for the Department of Consumer and Industry Services, Director's Office, entitled "*Michigan Elevator Rules*," effective 7 days hereafter.

July 11, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:10 p.m. this date, administrative rule (02-07-02) for the Department of History Arts and Libraries, Mackinac Island State Parks Commission, entitled "*General Rules*," effective 7 days hereafter.

July 30, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:24 p.m. this date, administrative rule (02-07-03) for the Department of Consumer and Industry Services, Director's Office, entitled "*Part I. General Rules Construction Safety Standards*," effective 7 days hereafter.

July 30, 2002

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:26 p.m. this date, administrative rule (02-07-04) for the Department of Consumer and Industry Services, Director's Office, entitled "*Nonionizing Radiation*," effective 7 days hereafter.

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

The communications were referred to the Secretary for record.

The following communication was received:  
Municipal Employees' Retirement System of Michigan

June 27, 2002

Enclosed is a copy of the *Comprehensive Annual Financial Report for the Year Ending December 31, 2001*. I am providing this to you pursuant to the requirements of the *MERS Plan Document* and MCL 38.1536(2)(f). Please read the report into the Daily Journal, since the Journal is the recognized official document for communication for the members of the Legislature.

The report can also be found on our website at: [www.mersofmich.com](http://www.mersofmich.com). We hope that you find the report informative.

Sincerely,  
Anne M. Wagner  
Executive Director

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Treasury

July 1, 2002

Public Act 77 of 1960, as amended requires that the Michigan Higher Education Assistance Authority (MHEAA) submit an annual report to the Governor and the Legislature. Enclosed, for your review, is the Annual Report for 2000-01 of both the MHEAA and the Michigan Higher Education Student Loan Authority (MHESLA).

If you have any questions concerning this report, please feel free to contact Mr. H. Jack Nelson, Executive Director of the Authorities.

Sincerely,  
H. Jack Nelson  
Executive Director, MHEAA/MHESLA

Douglas B. Roberts  
State Treasurer

The communication was referred to the Secretary for record.

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

July 10, 2002

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

Type of Report  
Approval Study Report

Facility  
Shawono Center

License #  
CS200201404

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

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

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

The communication was referred to the Secretary for record.

The following communications were received:  
Office of the Auditor General

July 11, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Financial Audit of the Commercial Mobile Radio Service Emergency Telephone Fund, Department of Treasury, October 1, 1999 through September 30, 2000.

July 16, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of Prisoner Benefit Funds, Prisoner Store Programs, and Prisoner Accounts, Department of Corrections, July 2002.

July 24, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the Design Division, Bureau of Highway Technical Services, Michigan Department of Transportation, July 2002.

July 24, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of the Maintenance Division, Bureau of Highway Technical Services, Michigan Department of Transportation, July 2002.

July 25, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of Information Technology Services and the Automated Information Systems, Bureau of State Lottery, Department of Treasury, July 2002.

July 26, 2002

Enclosed is a copy of the following audit report and/or executive digest:  
Performance Audit of Michigan Rehabilitation Services, Michigan Department of Career Development, July 2002.

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

The communications were referred to the Secretary for record.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 9, for his approval the following bill:

**Enrolled Senate Bill No. 1370 at 2:11 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, July 11, for his approval the following bills:

**Enrolled Senate Bill No. 1358 at 11:30 a.m.**

**Enrolled Senate Bill No. 356 at 11:32 a.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, July 12, for his approval the following bills:

**Enrolled Senate Bill No. 1103 at 10:30 a.m.**  
**Enrolled Senate Bill No. 1099 at 10:32 a.m.**  
**Enrolled Senate Bill No. 1102 at 10:34 a.m.**  
**Enrolled Senate Bill No. 1106 at 10:36 a.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 16, for his approval the following bills:

**Enrolled Senate Bill No. 184 at 4:06 p.m.**  
**Enrolled Senate Bill No. 924 at 4:08 p.m.**  
**Enrolled Senate Bill No. 1174 at 4:10 p.m.**  
**Enrolled Senate Bill No. 1175 at 4:12 p.m.**  
**Enrolled Senate Bill No. 534 at 4:14 p.m.**  
**Enrolled Senate Bill No. 535 at 4:16 p.m.**  
**Enrolled Senate Bill No. 794 at 4:18 p.m.**  
**Enrolled Senate Bill No. 1176 at 4:20 p.m.**  
**Enrolled Senate Bill No. 833 at 4:22 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, July 18, for his approval the following bill:

**Enrolled Senate Bill No. 1275 at 10:35 a.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Monday, July 22, for his approval the following bill:

**Enrolled Senate Bill No. 117 at 1:20 p.m.**  
**Enrolled Senate Bill No. 809 at 1:22 p.m.**  
**Enrolled Senate Bill No. 925 at 1:24 p.m.**  
**Enrolled Senate Bill No. 926 at 1:26 p.m.**  
**Enrolled Senate Bill No. 1062 at 1:28 p.m.**  
**Enrolled Senate Bill No. 1094 at 1:30 p.m.**  
**Enrolled Senate Bill No. 1101 at 1:32 p.m.**  
**Enrolled Senate Bill No. 1104 at 1:34 p.m.**  
**Enrolled Senate Bill No. 1170 at 1:36 p.m.**  
**Enrolled Senate Bill No. 1241 at 1:38 p.m.**  
**Enrolled Senate Bill No. 1242 at 1:40 p.m.**  
**Enrolled Senate Bill No. 1266 at 1:42 p.m.**  
**Enrolled Senate Bill No. 1302 at 1:44 p.m.**  
**Enrolled Senate Bill No. 1322 at 1:46 p.m.**

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, July 23, for his approval the following bill:

**Enrolled Senate Bill No. 1232 at 3:23 p.m.**

The Secretary announced the printing and placement in the members' files on Wednesday, July 10, of:  
**Senate Bill Nos. 1381 1382 1383 1384 1385**

By unanimous consent the Senate proceeded to the order of  
**Resolutions**

Senator Emmons offered the following concurrent resolution:  
**Senate Concurrent Resolution No. 67.**

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Tuesday, August 13, 2002, it stands adjourned until Tuesday, September 17, 2002, at 10:00 a.m. for the Senate and 2:00 p.m. for the House of Representatives.

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

Senator Emmons moved that the rule be suspended.

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

The concurrent resolution was adopted.

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

The following communication was received and read:  
Office of the Senate Majority Leader

July 11, 2002

Pursuant to Senate Rule 1.105, I hereby appoint the following members to the second conference committee for the following bill:

House Bill 5651            Senator Hoffman  
                                  Senator Goschka  
                                  Senator Young

Sincerely,  
Dan L. DeGrow  
Senate Majority Leader

The communication was referred to the Secretary for record.

#### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:07 p.m.

12:23 p.m.

The Senate was called to order by the temporary Presiding Officer, Senator Steil.

During the recess, Senators Dunaskiss and Garcia entered the Senate Chamber.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Steil admittance to the Senate floor, including the center aisle.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle and Gallery.

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

#### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:24 p.m.

12:32 p.m.

The Senate was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senator Steil introduced to the Senate Ronald Weiser, the U.S. Ambassador to the Slovak Republic, and presented him with a special tribute.

Ambassador Weiser responded briefly.

By unanimous consent the Senate proceeded to the order of  
**Introduction and Referral of Bills**

Senators Murphy, Smith, Scott, Emerson, Leland, Cherry, Byrum, DeBeaussaert, Young, Hart and Miller introduced **Senate Bill No. 1386, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 3113a.

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

Senators Smith, Murphy, Scott, Emerson, Leland, Cherry, Byrum, DeBeaussaert, Young, Hart and Miller introduced **Senate Bill No. 1387, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3112 (MCL 324.3112) and by adding section 3113b.

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

Senators Leland, Smith, Murphy, Scott, Emerson, Cherry, Byrum, DeBeaussaert, Young, Hart and Miller introduced **Senate Bill No. 1388, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3111 and 3113 (MCL 324.3111 and 324.3113).

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

Senators Scott, Smith, Murphy, Emerson, Leland, Cherry, Byrum, DeBeaussaert, Young, Hart and Miller introduced **Senate Bill No. 1389, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2001 PA 114, and by adding section 3113c.

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

Senators Schwarz, North and Bullard introduced

**Senate Bill No. 1390, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853).

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

Senators Schwarz, North and Bullard introduced

**Senate Bill No. 1391, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

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

Senators Smith, Cherry, DeBeaussaert, Koivisto, Young, Hart, Byrum, Murphy, Peters and Goschka introduced

**Senate Bill No. 1392, entitled**

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Senator North introduced

**Senate Bill No. 1393, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 83 and 83b (MCL 259.83 and 259.83b), section 83 as amended and section 83b as added by 2002 PA 35.

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

Senators Goschka, Johnson, Bullard, Hart and McCotter introduced

**Senate Bill No. 1394, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

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

Senator Bullard introduced

**Senate Bill No. 1395, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11 (MCL 46.411), as amended by 1982 PA 504.

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

Senator Emmons introduced

**Senate Bill No. 1396, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 7b. The bill was read a first and second time by title and referred to the Committee on Finance.

Senator Emmons introduced

**Senate Bill No. 1397, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19503 (MCL 324.19503), as amended by 1995 PA 73.

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

Senator Emmons introduced

**Senate Bill No. 1398, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 7 and 10a (MCL 257.1807 and 257.1810a), as amended by 2000 PA 49.

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

Senator Garcia introduced

**Senate Bill No. 1399, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

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

Senator Van Regenmorter introduced

**Senate Bill No. 1400, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1005, 1011, 1019, 1021, and 1023 (MCL 600.1005, 600.1011, 600.1019, 600.1021, and 600.1023), sections 1005, 1019, and 1023 as added by 1996 PA 388, section 1011 as amended by 1998 PA 298, and section 1021 as amended by 2000 PA 56; and to repeal acts and parts of acts.

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

**House Bill No. 4017, entitled**

A bill to amend 1877 PA 67, entitled "An act relative to the organization of the meetings of the legislature," (MCL 4.41 to 4.46) by adding section 2a.

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

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

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

The motion prevailed.

Senator Peters' statement is as follows:

I would like my colleagues to join me in saying goodbye to a very trusted member of my staff, Dale Outhouse. Dale joined my staff back in 1998. He took charge of all my casework and constituent relations over the years. He's helped a countless number of people during that time.

Dale is unique in that he brought a real passion to the job. We all know how important casework is. We know how casework can really impact people's lives and help them get through the maze of bureaucracy that sometimes impedes people in dealing with state government. Dale aggressively went after that, solved problems for folks, and we are truly going to miss him.

He's also a very avid softball player, as many folks know around here. He helped organize leagues for the staff members of the Senate through many summers of very competitive softball. We're certainly going to miss him in that capacity.

Also Dale has had an interesting journey in his life that I just wanted to mention briefly. He's the only person I know who has actually walked across the United States. Back in 1984, Dale walked 4,500 miles from Santa Barbara to New York City, which was quite a journey. But he wasn't going to stop there. Then in 1985, he walked 3,500 miles across Europe. During that time, he certainly had many adventures and many journeys.



He's now about to embark upon a new adventure and a new journey to Connecticut. It may not be as interesting as the last two journeys, but certainly, we wish him all the best in his new journey and his new endeavors. We also wish the best to his lovely wife Lee and his wonderful children Andrew and Gabriel.

Thank you, Dale, for your service. Good luck and Godspeed.

Senator Emerson moved that the Senate proceed to the order of Messages from the Governor.

The motion did not prevail.

Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion did not prevail, a majority of the members not voting therefor, as follows:

**Roll Call No. 849**

**Yeas—15**

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

**Nays—22**

Bennett	Gast	McManus	Shugars
Bullard	Gougeon	North	Sikkema
DeGrowth	Hammerstrom	Sanborn	Steil
Dunaskiss	Hoffman	Schuette	Stille
Emmons	Johnson	Schwarz	Van Regenmorter
Garcia	McCotter		

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: President

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

**Senate Bill No. 395, entitled**

A bill to establish the Michigan days of remembrance of the Armenian genocide.

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

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

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

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

Senators Hoffman, Gougeon, Goschka, Sikkema, Shugars, Dunaskiss, Johnson, North, Hammerstrom, Stille, McManus, Smith, DeBeaussaert, Garcia, Murphy, Miller, Van Regenmorter, Sanborn, Steil, Schwarz, Young, Scott and Byrum moved that they be named co-sponsors of the following bill:

**Senate Bill No. 395**

The motion prevailed.

**Enrolled House Bill No. 5646, entitled**

An act to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2003; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2003; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The House of Representatives has passed the vetoed line items by a 2/3 vote, the objections of the Governor to the contrary notwithstanding.

July 25, 2002

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5646, the fiscal year 2003 General Government budget bill, which provides funding for the departments of Attorney General, Civil Rights, Civil Service, Information Technology, Management and Budget, State, Treasury, the Executive Office, and the Legislature. However, I am returning it to you because of three items of which I disapprove, pursuant to Article V, Section 19 of the Michigan Constitution. The vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

My action today provides \$2.1 billion to support essential government functions. Among other items, this bill:

- Provides \$10.7 million in federal support to implement the federal "No Child Left Behind Act of 2001" to bolster accountability in education.
- Provides \$4.8 million for increased security services in public buildings.
- Includes \$2.9 million for health and safety, commercial mobile radio services, and senior citizen cooperative housing tax exemption grants to local units of government, consistent with statutory requirements.
- Transfers \$424.0 million from state agencies to the Department of Information Technology. This new agency will strengthen central decision-making, provide for an integrated statewide technology plan, and improve information management.
- Provides \$2.4 million to implement a state-of-the-art system to manage the state's pension and revenue investments.
- Provides \$3.1 million to fully establish a tax reverted property system for tax delinquent homes to facilitate restoring those properties to productive use.
- Provides \$2.2 million to establish an electronic motor fuel system to improve tax compliance, revenue collection and information exchanges between the United States and Canada.

Unfortunately, the proposed constitutional amendments which will be decided this November would seriously constrain our ability to finance the appropriations in this budget and the balance of state government. Given this uncertainty, I have reluctantly vetoed statutory revenue sharing grants to local units of government in order to maximize the state's flexibility to address the general fund financing shortfalls that will occur if the ballot initiatives are adopted. Even with this veto, the budget still contains almost \$680 million in constitutional revenue sharing payments to local governments. I am willing to restore funding for statutory revenue sharing payments in November when there is more certainty about the outcome and impact of the ballot initiatives and the continuing economic slump.

In addition, I have also vetoed \$9.9 million for grants to local governmental units and related boilerplate Section 972. These one-time grants were intended to compensate local governmental units whose fiscal year 2003 revenue sharing payments were less than fiscal year 2002 revenue sharing payments.

Lastly, I have vetoed \$1.0 million in State Services Fee Fund revenues for the development and implementation of a vertical driver license and personal identification card program for persons under the age of 21. While such a program may have merit, I believe that this is an inappropriate use of the State Services Fee Fund and that the \$1.0 million cost is excessive.

This action completes the fiscal year 2003 General Government appropriation. I commend the Legislature for its timely work on this important bill.

Sincerely,  
John Engler  
Governor

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

Senator DeGrow moved that the previous question be ordered.

On which motion Senator Emerson requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

**Roll Call No. 850****Yeas—23**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Hoffman	Schuetz	Van Regenmorter
Garcia	Johnson	Schwarz	

**Nays—14**

Byrum	Emerson	Miller	Scott
Cherry	Hart	Murphy	Smith
DeBeaussaert	Koivisto	Peters	Young
Dingell	Leland		

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: President

The question being on the passage of the vetoed line items, the objections of the Governor to the contrary notwithstanding,

The vetoed line items were passed over the objections of the Governor, 2/3 of the members serving voting therefor, as follows:

**Roll Call No. 851****Yeas—36**

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

**Nays—1**

Gast

**Excused—1**

Vaughn

**Not Voting—0**

In The Chair: President

**Protest**

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the motion for the previous question to House Bill No. 5646.

Senator Cherry's statement is as follows:

I voted "no" on the calling of the previous question as it pertained to overriding the Governor's veto because I saw that motion as an effort to gag the Senate—to simply prevent members of the body from speaking out in support of a veto override. Clearly, the public has spoken very strongly over the past couple of weeks. It's only natural on a question of this magnitude, of this importance, that members of this body would want to speak on behalf of their position on the question of override.

By calling the previous question, this body simply did not allow the members of this body who are generally used to having a free exchange, a free debate. That is, quite frankly, what the Senate is known for, as the body that debates a question, that discusses a question. That was denied with that motion. I thought it to be inappropriate because, in fact, this is an important motion.

Ultimately, the reason that the members of the body were gagged was simply, as described by the chief executive of Oakland County, the fact that the veto of revenue sharing was an embarrassment. To allow people to talk about the embarrassment that we saw in the last couple of weeks had political overtones that people did not want to allow to be said here on the Senate Floor.

There are times in which debate goes on too long, in which we simply abuse the privilege on occasion. In those moments, I think the calling of the question is an appropriate thing to do. But if you're going to be a legislative body that cherishes the right to debate, the right to speak freely, the right to represent your constituents, and to voice their concerns and their opinions on the floor of the Senate, we ought not to be going to the previous question immediately on a question of major public importance.

That's what we did today. It was inappropriate. That's why I voted "no." I wish we had given members the opportunity to express their concerns and to express the views of their constituents here on the floor of the Senate. We failed to do that. I think the institution suffers because of it, just as state government suffered because of the veto. That's the reason for my "no" vote on the calling of the previous question.

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 1:06 p.m.

Pursuant to Senate Concurrent Resolution No. 67, the President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, September 17, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.