

No. 12
STATE OF MICHIGAN
Journal of the Senate
93rd Legislature
REGULAR SESSION OF 2005

Senate Chamber, Lansing, Wednesday, February 16, 2005.

10:00 a.m.

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

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

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

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

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

Elder William J. Anderson of Church of God in Christ of Detroit offered the following invocation:

O God, today we ask that You would bless this house and these individuals which You have placed with the mind and the heart of the people of this state in mind. Touch every one of us today, O God, from the top of our heads to the soles of our feet. Seeing our many different religious beliefs, we are standing here in one accord. Let Your Spirit tie our hearts together and our minds together for the good of the people of this state, for the further indulgence of this state, and for the greater good of this state.

Lord, bless each one of us and bring us together that we reason one with another in this house. Lord, let Your Spirit fill this house and Your presence fill this house so that all things be run smoothly and in order. We count all these things done this day, Lord.

O God, have mercy upon us and lead us today, Lord. Amen.

Senator Kenneth R. Sikkema of the 28th District offered the following special prayer:

Dear Lord, we at times cannot imagine the agony that some individuals and families must go through. We think this morning of our former colleague and friend and associate, Jim Howell, and his wife Maureen and their family as they sit beside the hospital bed of their 18-year-old son. We beseech you, O Lord, for your comforting grace, for a special measure of Your understanding that can flow down to Jim and Maureen and their family and friends at this time.

It reminds us of how fragile life is. It reminds us of what is important and may all of us, as we pray for our friend and his family, also take time to love our family. As a friend of mine said yesterday, "Give them a special hug."

This we ask in Your name. Amen.

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

Motions and Communications

Senator Schauer moved that Senator Thomas be temporarily excused from today's session.
The motion prevailed.

Senator Schauer moved that Senators Barcia and Basham be excused from today's session.
The motion prevailed.

Senator Thomas entered the Senate Chamber.

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

February 15, 2005

Pursuant to MCL 399.83, I am making the following appointment to the Michigan Freedom Trail Commission:

Mr. Robert A. Anderson of 4999 Greenview Dr., Commerce, Michigan 48382, county of Oakland, succeeding Terry Hall, whose term has expired, for a term commencing February 14, 2005 and expiring December 31, 2006.

If you have any questions please call Bill Sullivan in my office at 373-0797.

Respectfully,
Ken Sikkema
Senate Majority Leader

The communication was referred to the Secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following statutory standing committees:

Administrative Rules - Senators Bishop (C), Jelinek, Kuipers, Thomas and Barcia.

Legislative Council - Senators Sikkema (C), Patterson, Allen, Hammerstrom, Emerson and Schauer; Alternates: Senators Brown, Sanborn and Jacobs.

Michigan Capitol Committee - Senators George (C), Toy, Garcia and Schauer.

The statutory standing committee appointments were approved, a majority of the members serving voting therefor.

The following communication was received:
Office of the Auditor General

February 15, 2005

Enclosed is a copy of the Michigan Legislature's audited Schedule of the Sources and Dispositions of General Fund Authorizations with Supplemental Schedules for the two-year period ended September 30, 2004. This audit was performed by the public accounting firm, Plante & Moran, LLP, under a contract with my office.

This report includes independent auditor's report letters on the financial schedule and compliance with laws and regulations and internal controls of the Michigan Legislature.

The Independent Auditor's Report letter on the financial schedule contains a clean opinion on the financial schedule. The Report Letter on Compliance with Laws and Regulations and Internal Control reports that, with respect to the items tested, nothing came to the auditor's attention that caused the auditor to believe that the Michigan Legislature had not complied, in all material respects, with those provisions of laws, regulations, and contracts tested for. In addition, the auditors reported no matters involving the internal control over financial reporting and its operations that they considered to be material weaknesses.

Also, enclosed is a copy of the management letter. If you have any questions regarding this report, please contact me.

Sincerely

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 15:
House Bill Nos. 4142 4226

Messages from the Governor

The following message from the Governor was received on February 15, 2005, and read:

EXECUTIVE ORDER

No. 2005-4

Abolishing Certain Obsolete Positions, Boards, Commissions, and Advisory Bodies

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

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor shall take care that the laws be faithfully executed;

WHEREAS, numerous positions, boards, commissions, and other advisory bodies established by executive order or executive directive have completed the work for which they were created, no longer serve the purposes for which they were established, or have been superseded by statutes;

WHEREAS, under Section 1 of 1931 PA 195, MCL 10.51, whenever in the judgment of the Governor any special commission created under 1931 PA 195 has fully completed the work assigned to it, fulfilled the purposes for which it was created, or the need for such a commission for any reason no longer exists, the Governor may, by executive order declare the special commission dissolved;

WHEREAS, it is necessary in the interests of efficient and effective government to abolish certain obsolete positions, boards, commissions, and advisory bodies;

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

I. LIEUTENANT GOVERNOR'S COMMISSION ON HIGHER EDUCATION AND ECONOMIC GROWTH

A. As the Lieutenant Governor's Commission on Higher Education and Economic Growth created on June 22, 2004 by Executive Order 2004-32 has completed the work for which it was established, the Lieutenant Governor's Commission on Higher Education and Economic Growth is dissolved and abolished.

B. Executive Order 2004-32 is rescinded in its entirety.

II. MICHIGAN MENTAL HEALTH COMMISSION

A. As the Michigan Mental Health Commission created on December 10, 2003 by Executive Order 2003-24 has completed the work for which it was established, the Michigan Mental Health Commission is dissolved and abolished.

B. Executive Order 2003-24 is rescinded in its entirety.

III. DETROIT MEDICAL CENTER FISCAL STABILITY TASK FORCE

A. As the Detroit Medical Center Fiscal Stability Task Force created on June 19, 2003 by Executive Order 2003-7 has completed the work for which it was established, the Detroit Medical Center Fiscal Stability Task Force is dissolved and abolished.

B. Executive Order 2003-7 is rescinded in its entirety.

C. The rescission of Executive Order 2002-15 is ratified.

IV. GOVERNOR'S CHRONIC WASTING DISEASE TASK FORCE

A. As the Governor's Chronic Wasting Disease Task Force created on February 28, 2003 by Executive Order 2003-5, as amended by Executive Order 2003-13, has completed the work for which it was established, the Governor's Chronic Wasting Disease Task Force is dissolved and abolished.

B. Executive Order 2003-5 is rescinded in its entirety.

C. Executive Order 2003-13 is rescinded in its entirety.

V. MICHIGAN LAND USE LEADERSHIP COUNCIL

A. As the Michigan Land Use Leadership Council created on February 27, 2003 by Executive Order 2003-4 has completed the work for which it was established, the Michigan Land Use Leadership Council is dissolved and abolished.

B. Executive Order 2003-4 is rescinded in its entirety.

VI. MICHIGAN COMMISSION ON ASIA IN THE SCHOOLS

A. As the Michigan Commission on Asia in the Schools created on March 14, 2002 by Executive Order 2002-4 has completed the work for which it was established, the Michigan Commission on Asia in the Schools is dissolved and abolished.

B. Executive Order 2002-4 is rescinded in its entirety.

VII. OLD CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION

A. As the Old Center for Educational Performance and Information created on July 28, 2000 by Executive Order 2000-9, MCL 388.966, has expired and has been superseded by a new Center for Educational Performance and Information created under Section 1694a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a, the Old Center for Educational Performance and Information is dissolved and abolished.

B. This Order shall not affect the new Center for Educational Performance and Information established under Section 1694a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a.

C. Executive Order 2000-9 is rescinded in its entirety.

VIII. MICHIGAN DEBT ADVISORY BOARD

A. As the Michigan Debt Advisory Board created on July 7, 2000 by Executive Order 2000-8 no longer serves the purposes for which it was established, the Michigan Debt Advisory Board is dissolved and abolished.

B. Executive Order 2000-8 is rescinded in its entirety.

IX. MICHIGAN COMMISSION ON FINANCING POSTSECONDARY EDUCATION

A. As the Michigan Commission on Financing Postsecondary Education created on September 16, 1999 by Executive Order 1999-11 has completed the work for which it was established, the Michigan Commission on Financing Postsecondary Education is dissolved and abolished.

B. Executive Order 1999-11 is rescinded in its entirety.

X. READING PLAN FOR MICHIGAN ADVISORY COUNCIL

A. As the Reading Plan for Michigan Advisory Council created on June 17, 1998 by Executive Order 1998-4, consistent with Executive Directive 1998-2, has completed the work for which it was established, the Reading Plan for Michigan Advisory Council is dissolved and abolished.

B. Executive Order 1998-4 is rescinded in its entirety.

C. Executive Directive 1998-2 is rescinded in its entirety.

XI. WORKING GROUP ON ELDER ADULTS AT RISK OF EXPLOITATION

A. As the Working Group on Elder Adults at Risk of Exploitation provided for under Executive Directive 1998-5 has completed the work for which it was established, the Working Group on Elder Adults at Risk of Exploitation is dissolved and abolished.

B. Executive Directive 1998-5 is rescinded in its entirety.

XII. MICHIGAN BUSINESS OPPORTUNITY COMMISSION

A. As the Michigan Business Opportunity Commission created on December 23, 1998 by Executive Order 1996-13 no longer serves the purposes for which it was established, the Michigan Business Opportunity Commission is dissolved and abolished.

B. Sections 8 and 9 of Executive Order 1996-13 are rescinded.

XIII. INTERIM EXECUTIVE DIRECTOR OF MICHIGAN GAMING

A. As the position of Interim Executive Director of Michigan Gaming created within the Executive Office of the Governor on November 22, 1996 by Executive Order 1996-10 to implement the requirements of Proposal E of 1996 no longer serves the purposes for which the position was established, the position of Interim Executive Director of Michigan Gaming is dissolved and abolished.

B. Executive Order 1996-10 is rescinded in its entirety.

XIV. MICHIGAN QUALITY CABINET

A. As the Michigan Quality Cabinet formed under Executive Directive 1996-1 no longer serves the purposes for which it was established, the Michigan Quality Cabinet is dissolved and abolished.

B. Executive Directive 1996-1 is rescinded in its entirety.

XV. GOVERNOR'S ADVISORY COMMITTEE ON DAY CARE FOR CHILDREN

A. As the Governor's Advisory Committee on Day Care for Children created on October 9, 1995 by Executive Order 1995-21 has completed the work for which it was established, the Governor's Advisory Committee on Day Care for Children is dissolved and abolished.

B. Executive Order 1995-21 is rescinded in its entirety.

XVI. MICHIGAN FARMLAND AND AGRICULTURAL DEVELOPMENT TASK FORCE

A. As the Michigan Farmland and Agricultural Development Task Force created on February 4, 1994 by Executive Order 1994-4 has completed the work for which it was established, the Michigan Farmland and Agricultural Development Task Force is dissolved and abolished.

B. Executive Order 1994-4 is rescinded in its entirety.

XVII. OLD MICHIGAN COMMUNITY SERVICE COMMISSION

A. As the Old Michigan Community Service Commission created on December 9, 1993 by Executive Order 1993-24 has been superseded by a statutory Michigan Community Service Commission created under 1994 PA 219, MCL 408.221 to 408.232, the Michigan Community Service Commission created within the Michigan Jobs Commission under Executive Order 1993-24 is dissolved and abolished.

B. Executive Order 1993-24 is rescinded in its entirety.

C. The rescission of Executive Order 1991-25 is ratified.

XVIII. MICHIGAN COUNCIL ON TELECOMMUNICATIONS SERVICES FOR PUBLIC EDUCATION

A. As the Michigan Council on Telecommunications Services for Public Education created on June 30, 1993 by Executive Order 1993-13, which was amended by Executive Order 1993-22, has completed the work for which it was established, the Michigan Council on Telecommunications Services for Public Education is dissolved and abolished.

B. Executive Order 1993-22 is rescinded in its entirety.

C. Executive Order 1993-13 is rescinded in its entirety.

XIX. K I SAWYER AIR FORCE BASE CONVERSION AUTHORITY

A. As the K I Sawyer Air Force Base Conversion Authority created on September 10, 1993 by Executive Order 1993-16 pursuant to Section 2 of 1993 PA 159, MCL 3.572, has completed the work for which it was established, the K I Sawyer Air Force Base Conversion Authority is dissolved and abolished.

B. Executive Order 1993-16 is rescinded in its entirety.

C. Pursuant to Section 10 of 1993 PA 159, MCL 3.580, any remaining property, books, records, files, and funds of the K I Sawyer Air Force Base Conversion Authority are the property of Marquette County, and shall be held or disposed of by Marquette County in a manner prescribed by law.

XX. OFFICE OF HEALTH CARE REFORM AND POLICY DEVELOPMENT

A. As the Office of Health Care Reform and Policy Development formed within the Executive Office of the Governor on September 22, 1993 by Executive Directive 1993-2, has ceased performing the functions for which it was established, the Office of Health Care Reform and Policy Development is dissolved and abolished.

B. Executive Directive 1993-2 is rescinded in its entirety.

XXI. WURTSMITH AIR FORCE BASE CONVERSION AUTHORITY

A. As the Wurtsmith Air Force Base Conversion Authority created on November 21, 1991 by Executive Order 1991-37 pursuant to Section 2 of 1978 PA 151, MCL 3.552, has completed the work for which it was established, the Wurtsmith Air Force Base Conversion Authority is dissolved and abolished.

B. Executive Order 1991-37 is rescinded in its entirety.

C. Pursuant to Section 10 of 1978 PA 151, MCL 3.560, any remaining property, books, records, files, and funds of the authority are the property of the Charter Township of Oscoda, Iosco County, and shall be held or disposed of by the Charter Township of Oscoda, Iosco County, in a manner prescribed by law.

XXII. MICHIGAN YOUTH CORPS OPPORTUNITIES GROUP

A. As the Michigan Youth Corps Opportunities Group created on June 11, 1987 by Executive Order 1987-7, and re-established on May 15, 1990 by Executive Order 1990-9, no longer serves the purposes for which it was established, the Michigan Youth Corps Opportunities Group is dissolved and abolished.

B. Executive Order 1990-9 is rescinded in its entirety.

C. Executive Order 1987-7 is rescinded in its entirety.

XXIII. ENVIRONMENTAL HEALTH OMBUDSPERSON

A. As the Environmental Health Ombudsperson created on April 9, 1994 under Executive Order 1990-5, as continued in force by Executive Order 1991-31, MCL 299.13, no longer serves the purposes for which it was established, the position of Environmental Health Ombudsperson is dissolved and abolished.

XXIV. ENVIRONMENTAL RESPONSE TEAM

A. As the Environmental Response Team created on April 9, 1994 under Executive Order 1990-5, as continued in force by Executive Order 1991-31, MCL 299.13, no longer serves the purposes for which it was established, the Environmental Response Team is dissolved and abolished.

B. Executive Order 1990-5 is rescinded in its entirety.

XXV. GOVERNOR'S GENERAL AVIATION COUNCIL

A. As the Governor's General Aviation Council formed on October 22, 1990 by Executive Directive 1990-2 no longer serves the purposes for which it was established, the Governor's General Aviation Council is dissolved and abolished.

B. Executive Directive 1990-2 is rescinded in its entirety.

XXVI. GOVERNOR'S FIRE SAFETY TASK FORCE

A. As the Governor's Fire Safety Task Force created on September 12, 1989 by Executive Order 1989-9 has completed the work for which it was established, the Governor's Fire Safety Task Force is dissolved and abolished.

B. Executive Order 1989-9 is rescinded in its entirety.

XXVII. CAMP GRAYLING ADVISORY COUNCIL

A. As the Camp Grayling Advisory Council created on August 4, 1989 by Executive Order 1989-8 no longer serves the purposes for which it was established, the Camp Grayling Advisory Council is dissolved and abolished.

B. Executive Order 1989-8 is rescinded in its entirety.

XXVIII. GOVERNOR'S COMMUNITIES OF ECONOMIC EXCELLENCE ADVISORY PANEL

A. As the Governor's Communities of Economic Excellence Advisory Panel created on May 24, 1984 by Executive Order 1984-9, as amended by Executive Order 1989-2, no longer serves the purposes for which it was established, the Governor's Communities of Economic Excellence Advisory Panel is dissolved and abolished.

B. Executive Order 1989-2 is rescinded in its entirety.

C. Executive Order 1984-9 is rescinded in its entirety.

XXIX. GOVERNOR'S LABOR-MANAGEMENT ADVISORY COUNCIL

A. As the Governor's Labor-Management Advisory Council created January 10, 1989 by Executive Order 1989-1 no longer serves the purposes for which it was established, the Governor's Labor-Management Advisory Council is dissolved and abolished.

B. Executive Order 1989-1 is rescinded in its entirety.

XXX. MICHIGAN AIR SERVICE COUNCIL

A. As the Michigan Air Service Council created on August 18, 1988 by Executive Order 1988-9 no longer serves the purposes for which it was established, the Michigan Air Service Council is dissolved and abolished.

B. Executive Order 1988-9 is rescinded in its entirety.

XXXI. MICHIGAN HUMAN INVESTMENT FUND

A. As the Michigan Human Investment Fund created on August 18, 1988 by Executive Order 1988-8 no longer serves the purposes for which it was established, the Michigan Human Investment Fund is dissolved and abolished.

B. Executive Order 1988-8 is rescinded in its entirety.

XXXII. CAMP GRAYLING MANAGEMENT ADVISORY COMMITTEE

A. As the Camp Grayling Management Advisory Committee created on June 22, 1988 by Executive Order 1988-7 has completed the work for which it was established, the Camp Grayling Management Advisory Committee is dissolved and abolished.

B. Executive Order 1988-7 is rescinded in its entirety.

XXXIII. GOVERNOR'S COMMISSION ON JOBS AND ECONOMIC DEVELOPMENT

A. As the Governor's Commission on Jobs and Economic Development created on March 17, 1983 by Executive Order 1983-3, as amended by Executive Order 1988-3, no longer serves the purposes for which it was established, the Governor's Commission on Jobs and Economic Development is dissolved and abolished.

B. Executive Order 1988-3 is rescinded in its entirety.

C. Executive Order 1983-3 is rescinded in its entirety.

XXXIV. RECYCLING PROMOTION ADVISORY COMMITTEE

A. As the Recycling Promotion Advisory Committee created on February 4, 1988 by Executive Order 1988-2 has completed the work for which it was established, the Recycling Promotion Advisory Committee is dissolved and abolished.

B. Executive Order 1988-2 is rescinded in its entirety.

XXXV. GOVERNOR'S TASK FORCE ON ACCESS TO HEALTH CARE

A. As the Governor's Task Force on Access to Health Care created on July 7, 1987 by Executive Order 1987-9 has completed the work for which it was established, the Governor's Task Force on Access to Health Care is dissolved and abolished.

B. Executive Order 1987-9 is rescinded in its entirety.

XXXVI. CLIENT ASSISTANCE PROGRAM ADVISORY COUNCIL

A. As the Client Assistance Program Advisory Council created on November 21, 1984 by Executive Order 1984-15, as amended by Executive Order 1987-2, no longer serves the purposes for which it was established, the Client Assistance Program Advisory Council is dissolved and abolished.

B. Executive Order 1987-2 is rescinded in its entirety.

C. Executive Order 1984-15 is rescinded in its entirety.

XXXVII. GOVERNOR'S MACKINAC BRIDGE TASK FORCE

A. As the Governor's Mackinac Bridge Task Force created on September 18, 1986 by Executive Order 1986-14 has completed the work for which it was established, the Governor's Mackinac Bridge Task Force is dissolved and abolished.

B. Executive Order 1986-14 is rescinded in its entirety.

XXXVIII. CITIZENS' ADVISORY TASK FORCE ON STATE LABOR-MANAGEMENT RELATIONS

A. As the Citizens' Advisory Task Force on State Labor-Management Relations created on July 30, 1986 by Executive Order 1986-10, as amended by Executive Order 1986-12, has completed the work for which it was established, the Citizens' Advisory Task Force on State Labor-Management Relations is dissolved and abolished.

B. Executive Order 1986-12 is rescinded in its entirety.

C. Executive Order 1986-10 is rescinded in its entirety.

XXXIX. CLEAN WATER INCENTIVES PROGRAM ADVISORY COMMITTEE

A. As the Clean Water Incentives Program Advisory Committee created on August 5, 1986 by Executive Order 1986-11 no longer serves the purposes for which it was established, the Clean Water Incentives Program Advisory Committee is dissolved and abolished.

B. Executive Order 1986-11 is rescinded in its entirety.

XL. ENTREPRENEURIAL AND SMALL BUSINESS COMMISSION

A. As the Entrepreneurial and Small Business Commission created on December 19, 1983 by Executive Order 1983-16, as amended by Executive Order 1986-9, no longer serves the purposes for which it was established, the Entrepreneurial and Small Business Commission is dissolved and abolished.

B. Executive Order 1986-9 is rescinded in its entirety.

C. Executive Order 1983-16 is rescinded in its entirety.

XLI. GOVERNOR'S AIR SERVICE TASK FORCE

A. As the Governor's Air Service Task Force created on February 7, 1986 by Executive Order 1986-3 has completed the work for which it was established, the Governor's Air Service Task Force is dissolved and abolished.

B. Executive Order 1986-3 is rescinded in its entirety.

XLII. GOVERNOR'S BLUE RIBBON COMMISSION ON WELFARE REFORM

A. As the Governor's Blue Ribbon Commission on Welfare Reform created on January 27, 1986 by Executive Order 1986-2 has completed the work for which it was established, the Governor's Blue Ribbon Commission on Welfare Reform is dissolved and abolished.

B. Executive Order 1986-2 is rescinded in its entirety.

XLIII. TASK FORCE ON EMPLOYMENT OPPORTUNITIES FOR OLDER CITIZENS

A. As the Task Force on Employment Opportunities for Older Citizens created on December 26, 1985 by Executive Order 1985-9 has completed the work for which it was established, the Task Force on Employment Opportunities for Older Citizens is dissolved and abolished.

B. Executive Order 1985-9 is rescinded in its entirety.

XLIV. CLEAN MICHIGAN FUND PROGRAM ADVISORY COMMITTEE

A. As the Clean Michigan Fund Program Advisory Committee created on December 10, 1985 by Executive Order 1985-8 no longer serves the purposes for which it was established, the Clean Michigan Fund Program Advisory Committee is dissolved and abolished.

B. Executive Order 1985-8 is rescinded in its entirety.

XLV. GOVERNOR'S COMMISSION ON CHINA

A. As the Governor's Commission on China created on April 17, 1984 by Executive Order 1984-4 no longer serves the purposes for which it was established, the Governor's Commission on China is dissolved and abolished.

B. Executive Order 1984-4 is rescinded in its entirety.

XLVI. COMMISSION ON THE FUTURE OF HIGHER EDUCATION

A. As the Commission on the Future of Higher Education created on September 19, 1983 by Executive Order 1983-11 has completed the work for which it was established, the Commission on the Future of Higher Education is dissolved and abolished.

B. Executive Order 1983-11 is rescinded in its entirety.

XLVII. GOVERNOR'S EXECUTIVE CORPS

A. As the Governor's Executive Corps created on May 3, 1983 by Executive Order 1983-6 no longer serves the purposes for which it was established, the Governor's Executive Corps is dissolved and abolished.

B. Executive Order 1983-6 is rescinded in its entirety.

XLVIII. ORGANIZED CRIME COMMISSION

A. As the Organized Crime Commission created on January 15, 1981 by Executive Order 1981-1 has completed the work for which it was established, the Organized Crime Commission is dissolved and abolished.

B. Executive Order 1981-1 is rescinded in its entirety.

XLIX. CHIPPEWA COUNTY BASE CONVERSION AUTHORITY

A. As the Chippewa County Base Conversion Authority created on June 29, 1978 by Executive Order 1978-5 pursuant to Section 2 of 1978 PA 151, MCL 3.552, has completed the work for which it was established, the Chippewa County Base Conversion Authority is dissolved and abolished.

B. Executive Order 1978-5 is rescinded in its entirety.

L. MICHIGAN ADVISORY COMMISSION ON NUTRITION

A. As the Michigan Advisory Commission on Nutrition created on January 23, 1975 by Executive Order 1975-1 no longer serves the purposes for which it was established, the Michigan Advisory Commission on Nutrition is dissolved and abolished.

B. Executive Order 1975-1 is rescinded in its entirety.

LI. SPECIAL COMMISSION ON ART IN STATE BUILDINGS

A. As the Special Commission on Art in State Buildings created on July 7, 1975 by Executive Order 1975-8 no longer serves the purposes for which it was established, the Special Commission on Art in State Buildings is dissolved and abolished.

B. Executive Order 1975-8 is rescinded in its entirety.

LII. MICHIGAN STATE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ADVISORY COUNCIL

A. As the Michigan State Developmental Disabilities Services and Facilities Construction Advisory Council created on April 6, 1971, by Executive Order 1971-4, as amended by Executive Order 1972-7, no longer serves the purposes for which it was established, the Michigan State Developmental Disabilities Services and Facilities Construction Advisory Council is dissolved and abolished.

B. Executive Order 1972-7 is rescinded in its entirety.

C. Executive Order 1971-4 is rescinded in its entirety.

LIII. ADVISORY COUNCIL FOR NATURAL AREAS

A. As the Advisory Council for Natural Areas created on April 26, 1971 by Executive Order 1971-5 has completed the work for which it was established, the Advisory Council for Natural Areas is dissolved and abolished.

B. Executive Order 1971-5 is rescinded in its entirety.

LIV. INTERAGENCY TRANSPORTATION COUNCIL

A. As the Interagency Transportation Council created on April 15, 1969 by Executive Order 1969-2 no longer serves the purposes for which it was established, the Interagency Transportation Council is dissolved and abolished.

B. Executive Order 1969-2 is rescinded in its entirety.

LV. DATA PROCESSING ADVISORY COMMITTEE

A. As the Data Processing Advisory Committee formed under Executive Directive 1971-3 no longer serves the purposes for which it was established, the Data Processing Advisory Committee is dissolved and abolished.

B. Executive Directive 1971-3 is rescinded in its entirety.

LVI. STATE TELECOMMUNICATIONS PLANNING GROUP

A. As the State Telecommunications Planning Group formed under Executive Directive 1972-2 no longer serves the purposes for which it was established, the State Telecommunications Planning Group is dissolved and abolished.

B. Executive Directive 1972-2 is rescinded in its entirety.

LVII. TASK FORCE ON SMALL BUSINESS PARTICIPATION IN STATE PURCHASING

A. As the Task Force on Small Business Participation in State Purchasing formed under Executive Directive 1975-4 has completed the work for which it was established, the Task Force on Small Business Participation in State Purchasing is dissolved and abolished.

B. Executive Directive 1975-4 is rescinded in its entirety.

LVIII. INTERAGENCY TRANSPORTATION COORDINATING COUNCIL

A. As the Interagency Transportation Coordinating Council formed under Executive Directive 1975-5 has completed the work for which it was established, the Interagency Transportation Coordinating Council is dissolved and abolished.

B. Executive Directive 1975-5 is rescinded in its entirety.

LIX. SMALL AND MINORITY BUSINESS PROCUREMENT COUNCIL

A. As the Small and Minority Business Procurement Council formed under Executive Directive 1976-4 has completed the work for which it was established, the Small and Minority Business Procurement Council is dissolved and abolished.

B. Executive Directive 1976-4 is rescinded in its entirety.

LX. CABINET COMMITTEE ON GROWTH AND DEVELOPMENT

A. As the Cabinet Committee on Growth and Development formed under Executive Directive 1977-1 no longer serves the purposes for which it was established, the Cabinet Committee on Growth and Development is dissolved and abolished.

LXI. ECONOMIC GROWTH AND DEVELOPMENT COUNCIL

A. As the Economic Growth and Development Council formed under Executive Directive 1977-1 no longer serves the purposes for which it was established, the Economic Growth and Development Council is dissolved and abolished.

B. Executive Directive 1977-1 is rescinded in its entirety.

LXII. FILM AND TELEVISION SERVICES ADVISORY COUNCIL

A. As the Film and Television Services Advisory Council formed under Executive Directive 1979-3 no longer serves the purposes for which it was established, the Film and Television Services Advisory Council is dissolved and abolished.

B. Executive Directive 1979-3 is rescinded in its entirety.

LXIII. STATE INTERAGENCY COORDINATING COUNCIL

A. As the State Interagency Coordinating Council formed under Executive Directive 1981-1 no longer serves the purposes for which it was established, the State Interagency Coordinating Council created under Executive Directive 1981-1 is dissolved and abolished.

B. Executive Directive 1981-1 is rescinded in its entirety.

LXIV. GOVERNOR'S SPECIAL COMMISSION ON JUVENILE DELINQUENCY

A. As the Governor's Special Commission on Juvenile Delinquency created on April 22, 1968 by Executive Order 1968-7 has completed the work for which it was established, the Governor's Special Commission on Juvenile Delinquency is dissolved and abolished.

B. Executive Order 1968-7 is rescinded in its entirety.

LXV. MICHIGAN COMMISSION ON HOUSING LAW REVISION

A. As the Michigan Commission on Housing Law Revision created on October 28, 1968 by Executive Order 1968-10 has completed the work for which it was established, the Michigan Commission on Housing Law Revision is dissolved and abolished.

B. Executive Order 1968-10 is rescinded in its entirety.

LXVI. MICHIGAN COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

A. As the Michigan Commission on Law Enforcement and Criminal Justice created on November 27, 1968 by Executive Order 1968-11 no longer serves the purposes for which it was established, the Michigan Commission on Law Enforcement and Criminal Justice is dissolved and abolished.

B. Executive Order 1968-11 is rescinded in its entirety.

C. The rescission of Executive Order 1966-7 is ratified.

LXVII. ADVISORY COUNCIL ON PUBLIC HEALTH

A. As the Advisory Council on Public Health created on May 31, 1967 by Executive Order 1967-2 no longer serves the purposes for which it was established, the Advisory Council on Public Health is dissolved and abolished.

B. Executive Order 1967-2 is rescinded in its entirety.

LXVIII. ADVISORY COUNCIL ON MENTAL HEALTH

A. As the Advisory Council on Mental Health created on May 9, 1966 by Executive Order 1966-2 no longer serves the purposes for which it was established, the Advisory Council on Mental Health is dissolved and abolished.

B. Executive Order 1966-2 is rescinded in its entirety.

LXIX. MICHIGAN MANPOWER DEVELOPMENT AND TRAINING COMMISSION

A. As the Michigan Manpower Development and Training Commission created on September 22, 1966 by Executive Order 1966-5 no longer serves the purposes for which it was established, the Michigan Manpower Development and Training Commission is dissolved and abolished.

B. Executive Order 1966-5 is rescinded in its entirety.

LXX. MICHIGAN COMMISSION ON URBAN PROBLEMS

A. As the Michigan Commission on Urban Problems created on November 16, 1967 by Executive Order 1966-14, and on December 14, 1966 by Executive Order 1966-14a, has completed the work for which it was established, the Michigan Commission on Urban Problems is dissolved and abolished.

B. Executive Order 1966-14a is rescinded in its entirety.

C. Executive Order 1966-14 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of February, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on February 15, 2005, and read:

EXECUTIVE ORDER
No. 2005-5

**Department of Military and Veterans Affairs
Abolishing the State Military Board**

Executive Reorganization

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

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

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces of the State of Michigan;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, the State Military Board participates in an advisory capacity in the preparation of plans and specifications for armory construction and of letting contracts for their erection and equipment in accordance with established state procedures;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, actions of the State Military Board must be submitted to the Adjutant General and through him or her to the Governor for approval;

WHEREAS, elimination of the State Military Board will eliminate redundant functions, increasing the efficiency and effectiveness of the Department of Military and Veterans Affairs and of the military establishment of the State of Michigan;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Military and Veterans Affairs" or "Department" means the principal department of state government created as the Department of Military Affairs under Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" under Executive Order 1997-7, MCL 32.91.

B. "State Administrative Board" means the board created under Section 1 of 1921 PA 2, MCL 17.1.

C. "State Military Board" means the state military board created under 1909 PA 84, transferred by Type I Transfer to the Department of Military Affairs under Section 127 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.227, and provided for as a 5-member advisory board under Section 360 of the Michigan Military Act, 1965 PA 150, MCL 32.760.

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

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

II. TRANSFER

A. All of the authority, powers, functions, duties, and responsibilities of the State Military Board are transferred by Type III Transfer to the Department of Military and Veterans Affairs, including, but not limited to, the authority, powers, functions, duties, and responsibilities of the State Military Board under any of the following:

1. 1943 PA 37, MCL 32.181 to 32.182 (Easements; Armory of 182nd Field Artillery).
2. 1934 (1st Ex Sess) PA 28, MCL 32.241 (Hanson Military Reservation).
3. 1913 PA 172, MCL 32.221 to 32.226 (Crawford County Land).
4. 1919 PA 287, MCL 32.231 to 32.236 (Hanson Military Reservation).
5. Chapter 6 of the Michigan Military Act, 1967 PA 150, MCL 32.750 to 32.790 (armories and reservations).

B. All of the authority, powers, functions, duties, and responsibilities of the Governor to approve actions of the State Military Board under Section 366 of the Michigan Military Act, 1967 PA 150, MCL 32.766, are transferred to the State Administrative Board.

C. The State Military Board is dissolved and abolished.

III. IMPLEMENTATION

A. The Adjutant General shall provide executive direction and supervision for the implementation of the transfer under this Order. The functions transferred shall be administered under the direction and supervision of the Adjutant General.

B. All records, personnel, property, and funds used, held, employed, available, or to be made available to the State Military Board for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department.

C. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Adjutant General.

D. The Adjutant General may perform a duty or exercise a power conferred by law or executive order upon the Adjutant General at the time and to the extent the duty or power is delegated to the Adjutant General by law or order.

E. The Adjutant General may by written instrument delegate within the Department a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Adjutant General.

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

IV. MISCELLANEOUS

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

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

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

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

This Order is effective April 17, 2005 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of February, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land
Secretary of State

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

Third Reading of Bills

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

Senate Bill No. 146

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

The question being on the passage of the bill,

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

Roll Call No. 9

Yeas—31

Allen
Bernero

Cropsey
Emerson

Jelinek
Kuipers

Schauer
Scott

Birkholz	Garcia	Leland	Sikkema
Bishop	Gilbert	McManus	Stamas
Brater	Goschka	Olshove	Switalski
Brown	Hammerstrom	Patterson	Toy
Cassis	Hardiman	Prusi	Van Woerkom
Cherry	Jacobs	Sanborn	

Nays—5

Clark-Coleman	George	Johnson	Thomas
Clarke			

Excused—2

Barcia	Basham
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Not Voting—0

In The Chair: Birkholz

The Senate agreed to the title of the bill.

Senator George moved that his name be removed as co-sponsor of the following bill:

Senate Bill No. 146

The motion prevailed.

Senator Hammerstrom moved that consideration of the following bill be postponed for today:

Senate Bill No. 102

The motion prevailed.

General Orders

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

The motion prevailed, and the President pro tempore, Senator Birkholz, designated Senator Kuipers as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Birkholz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 69, entitled

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

Senate Bill No. 93, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163. The bills were placed on the order of Third Reading of Bills.

Introduction and Referral of Bills

Senator Switalski introduced

Senate Bill No. 202, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

Senators Johnson, Sikkema, Kuipers, Garcia, Hammerstrom, Brown, Patterson, Toy, Bishop and Birkholz introduced
Senate Bill No. 203, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

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

Senators Jacobs and Goschka introduced

Senate Bill No. 204, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 176.

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

Senators Hammerstrom, Patterson, Bernero, George, Jacobs and Barcia introduced

Senate Bill No. 205, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1523.

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

Senators Patterson, Clarke, Emerson, Bishop, Brater, Stamas and Barcia introduced

Senate Bill No. 206, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

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

Senators Hardiman, Stamas, Garcia, Olshove, Goschka, Jelinek and Jacobs introduced

Senate Bill No. 207, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 2003 PA 69, and by adding section 48.

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

Senator Toy introduced

Senate Bill No. 208, entitled

A bill to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

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

House Bill No. 4142, entitled

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082).

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 Education.

House Bill No. 4226, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 6a (MCL 4.416a), as added by 1994 PA 383.

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.

Statements

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

The motion prevailed.

Senator Scott's statement is as follows:

As many of you know, consumer protection has been one of my top priorities as an elected official. I continue to advocate for sound public policy on issues involving payday lending, money transmissions, and auto and homeowner insurance. As proof of my commitment to these important topics, I have recently introduced several bills addressing all of these issues.

I was pleased to see that the Office of Financial and Insurance Services now has an official newsletter to keep us informed on banking and insurance matters. The first edition recently came across my desk, and if you haven't had a chance to look at it, I would encourage you to do so. By staying informed, we can effectively work together on policy issues for the betterment of every citizen in this state, and this is a copy of the newsletter.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Committee on Appropriations submitted the following:

Meeting held on Tuesday, February 15, 2005, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Johnson (C), Stamas, Brown, Goschka, Garcia, Cropsey, Jelinek, McManus, Hardiman, George, Prusi, Barcia, Scott, Cherry, Clarke and Switalski

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Labor submitted the following:

Meeting held on Tuesday, February 15, 2005, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Allen (C), Toy, McManus and Schauer

Excused: Senator Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Tuesday, February 15, 2005, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom and Brater

Excused: Senators Patterson and Basham

Scheduled Meetings

Administrative Rules - Thursday, February 17, 8:00 a.m., Room 405, Capitol Building (373-6476)

Appropriations - Thursday, February 17, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Education - Thursday, February 17, 2:00 p.m., Room 210, Farnum Building (373-6920)

Natural Resources and Environmental Affairs - Tuesday, February 22, 3:00 p.m., Room 110, Farnum Building (373-3447)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 10:32 a.m.

The President pro tempore, Senator Birkholz, declared the Senate adjourned until Thursday, February 17, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

