

No. 7
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Thursday, February 4, 1999.

10:00 a.m.

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

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

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

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

Rogers—present
Schuette—present
Schwarz—excused
Shugars—present
Sikkema—present
A. Smith—present
V. Smith—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator George A. McManus, Jr., of the 36th District offered the following invocation:

Dear God in heaven, we are here standing perpendicular before You this morning, fumbling along between the two great enormities of life: birth and death. Also, we find the winter season as of yesterday half over. Whether it's birth and death or whether it's El Nino or La Nina, we know the forces of nature are in Your hands. We petition You this morning to guide us in this legislation that we work on and in the end, allow us all to excel in public service, which is Your service. Amen.

Senators Bullard and Jaye entered the Senate Chamber.

Motions and Communications

Senator Rogers moved that Senator Schwarz be excused from today's session.

The motion prevailed.

Senator Schwarz is moderating a legislative genetics policy conference in Washington, D.C.

Senator V. Smith moved that Senator Miller be temporarily excused from today's session.

The motion prevailed.

Senator Rogers moved that rule 3.902 be suspended to allow Tanya Roycraft of Make A Wish Foundation admittance to the Senate floor.

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

Senator Miller entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Tuesday, February 2 of:

House Bill Nos.	4058	4059	4060	4061	4062	4063	4064	4065	4066	4067	4068	4069	4070	4071
	4072	4073	4074	4075	4076	4077	4078	4079	4080	4081	4082	4083	4084	4085
	4086	4087	4088	4089	4090	4091	4092	4093	4094	4095	4096	4097	4098	4099
	4100	4101	4102	4103	4104	4105	4106	4107	4108	4109	4110	4111		

House Joint Resolution D

The Secretary announced the printing and placement in the members' files on Wednesday, February 3, of:

Senate Bill No. 259

Messages from the Governor

The following message from the Governor was received on February 3, 1999, and read:

EXECUTIVE ORDER

No. 1999 - 1

**Department of the Michigan Jobs Commission
Department of Management and Budget
Michigan Strategic Fund**

**Michigan Economic Development Corporation
Department of Career Development**

Executive Reorganization

Whereas, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization or in the assignment of functions among its units which he considers necessary for efficient administration; and

Whereas, Article V, Section 8, of the Constitution of the state of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

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

Whereas, Michigan's already successful economic development programs will benefit from greater consolidation and can continue to improve its effectiveness and efficiency; and

Whereas, successful state economic development programs require long-term continuity, yet maximum flexibility to compete effectively in the national and international market place; and

Whereas, successful state economic development programs can further be improved by enhanced cooperation with local economic development programs; and

Whereas, the authority for the Michigan Strategic Fund to enter into interlocal agreements includes: Article VII, Section 28 of the Constitution of the state of Michigan of 1963, the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Sections 125.2001 et seq. of the Michigan Compiled Laws, and the Urban Cooperation Act, Act No. 7 of the Public Acts of 1967, Ex. Sess., as amended, being Sections 124.501 et seq. of the Michigan Compiled Laws; and

Whereas, providing Michigan citizens with career development and training opportunities will allow them to succeed in life and will strengthen Michigan's reputation as the state with the most highly skilled people; and

Whereas, the state can effectively and efficiently carry out this function by establishing a new principal department, the Department of Career Development.

Now, Therefore, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby Order the following:

I. DEFINITIONS

As used herein:

A. The Michigan Jobs Commission means the temporary agency created under Executive Order 1993-2.

B. The Department of the Michigan Jobs Commission means the principal department created in Executive Order 1994-26.

C. The Michigan Strategic Fund means the entity created under Act 270 of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws and includes the Michigan Strategic Fund Board.

II. TRANSFER OF THE MICHIGAN STRATEGIC FUND TO THE DEPARTMENT OF MANAGEMENT AND BUDGET

A. The Michigan Strategic Fund, created pursuant to the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, with all its statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting, procurement, personnel and management related functions, as constituted by Section III of this Executive Order, is hereby transferred to and shall be an autonomous entity in the Department of Management and Budget, without qualification as to type in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Michigan Department of Labor pursuant to the Executive Organization Act of 1965, Section 379 of Act No. 380 of the Public Acts of 1965, being Section 16.479 of the Michigan Compiled Laws. This transfer includes, but is not limited to, bond, note, loan, grant, reserve and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

B. All administrative or housekeeping functions, including budgeting, procurement, personnel and management related functions of the Michigan Strategic Fund as contained in the Michigan Strategic Fund Act, Sections 6, 7 and 24 of Act No. 270 of the Public Acts of 1985, as amended, being Sections 125.2006, 125.2007 and 125.2024 of the Michigan Compiled Laws shall be performed under the direction and supervision of the president of the Michigan Strategic Fund. The Michigan Strategic Fund president shall be the appointing authority for employees of the Michigan Strategic Fund.

C. The director of the Department of the Michigan Jobs Commission shall develop and implement a plan to separate the functions transferred to the Strategic Fund by this Executive Order from the remaining functions of the department. The director of the Department of the Michigan Jobs Commission shall provide executive direction and supervision for implementation of the transfers contained in this Executive Order. The administrative unit of the Department of the Michigan Jobs Commission, including budget, personnel, information systems, internal audit, procurement, legislative, public affairs, executive office, finance and office services and other related administrative functions, shall be separated in a manner that the director deems best serves the ongoing need for these services by the Michigan Strategic Fund and the remainder of the Department of the Michigan Jobs Commission.

D. As of the effective date of this Executive Order, the Board position designated in Section 2005(3) of the Michigan Strategic Fund Act, Act No. 270 of 1984, as amended, being Section 125.2005(3) of the Michigan Compiled Laws, for the Director of the Department of Commerce, which was transferred to the Director of the Department of the Michigan Jobs Commission by Executive Order 1994-26 is hereby transferred to the Director of the Department of Management and Budget.

E. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of the Michigan Jobs Commission for the

activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Michigan Strategic Fund.

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

G. 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.

III. CONSOLIDATION OF ECONOMIC DEVELOPMENT FUNCTIONS INTO THE MICHIGAN STRATEGIC FUND

A. Pursuant to Article V, Section 2 of the Constitution of the state of Michigan of 1963, all the statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, grants or other funds, including the functions of budgeting, procurement, personnel and management related functions of the following enumerated programs and functions are transferred to and reorganized into the Michigan Strategic Fund.

1. Michigan Economic Growth Authority

The Michigan Economic Growth Authority, created pursuant to the Michigan Economic Growth Authority Act, Act No. 24 of the Public Acts of 1995, as amended, being Section 207.801 et seq. of the Michigan Compiled Laws, and all of its statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions, are transferred to the Michigan Strategic Fund. The Michigan Economic Growth Authority shall exercise the prescribed statutory powers, duties and functions including the prescription of rules and adjudication independently of the Michigan Strategic Fund.

2. Plant Rehabilitation and Industrial Development Districts

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under Act No. 198 of the Public Acts of 1974, being Sections 207.551 et seq. of the Michigan Compiled Laws, which were transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14 and subsequently transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the president of the Michigan Strategic Fund.

3. State Education Tax Exclusion

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the State Treasurer to grant exclusions from the State Education Tax under Section 14a of Act No. 198 of the Public Acts of 1974, as amended, being Section 207.564a of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission under Executive Order 1995-2 are hereby transferred to the president of the Michigan Strategic Fund.

4. Personal Property Tax Exemption

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission under Act No. 328 of the Public Acts of 1998, being Section 211.9f of the Michigan Compiled Laws, are hereby transferred to the president of the Michigan Strategic Fund.

5. Community Development Block Grants

All the authority, powers, duties, functions, grants and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the federal Community Block Grant program operated by the Department of Commerce pursuant to Title I of the Housing and Community Development Act of 1974, as amended, being 42 USC 5300 et seq., commonly known as the Michigan Community Development Block Grant Program, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

6. Economic Development Job Training

All the authority, powers, duties, functions, grants and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission to review applications and award grants under the Economic Development Job Training program provided for in Act No. 306 of the Public Acts of 1998, Executive Order 1993-3 and Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund. The functions performed by the Office of Economic Development Job Training and the related staff and funding sources, including all workforce development and recruitment specialists positions and funding sources, including any Employment Service Agency staff assigned to this program, along with the federal funding for their positions, are hereby transferred to the Michigan Strategic Fund. The Chief Executive Officer of the Department of the Michigan Jobs Commission and the Director of the Employment Service Agency shall jointly determine the positions to be transferred.

7. Department of Economic Expansion

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Economic Expansion and the

Economic Expansion Council created under Act No. 116 of the Public Acts of 1963, as amended, being Section 125.1201 et seq. of the Michigan Compiled Laws, transferred to the Department of Commerce pursuant to Section 332 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being section 16.332 of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1993-9, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund.

8. Michigan International Trade Authority

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan International Trade Authority created as the Michigan Export Development Authority by the Michigan Export Development Authority Act, Act No. 157 of the Public Acts of 1986, as amended, being Section 447.151 et seq. of the Michigan Compiled Laws, renamed the Michigan International Trade Authority by Executive Order 1994-6 and as transferred from the Department of Commerce to the Department of the Michigan Jobs Commission in Executive Order 1994-26, transferred to the Michigan Jobs Commission Board by Executive Order 1995-22 are hereby transferred to the Michigan Strategic Fund.

9. Michigan Enterprise Zone Authority

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Enterprise Zone Authority created within the Department of Commerce under the Enterprise Zone Act, Act No. 224 of the Public Acts of 1985, as amended, being Section 125.2101 et seq. of the Michigan Compiled Laws, transferred by Executive Order 1994-14 to the Chief Executive Officer of the Michigan Jobs Commission, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

10. Neighborhood Enterprise Zones

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Enterprise Zone Authority under the Neighborhood Enterprise Zone Act, Act No. 147 of the Public Acts of 1992, as amended, being Section 207.771 et seq. of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund.

11. Michigan Urban Land Assembly Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Michigan Urban Land Assembly Act, Act No. 171 of the Public Acts of 1981, being Section 125.1851 et seq. of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

12. Michigan Travel Commission

The Michigan Travel Commission, created pursuant to the Michigan Tourism Policy Act, Act No. 106 of the Public Acts of 1945, as amended, being Section 2.101 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26, is hereby transferred to the Michigan Strategic Fund as an advisory board to the president of the Michigan Strategic Fund.

13. Michigan Travel Bureau/ Travel Michigan

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Travel Bureau created pursuant to the Michigan Tourism Policy Act, Act No. 106 of the Public Acts of 1945, as amended, being Section 2.101 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26 and renamed Travel Michigan by Executive Order 1997-1, are hereby transferred to the Michigan Strategic Fund.

14. Office of the Michigan Business Ombudsman

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of the Michigan Business Ombudsman, created in the Department of Commerce by Executive Directive 1991-12, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred to the Michigan Strategic Fund.

15. Office of the Small Business Clean Air Ombudsman

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of the Small Business Clean Air Ombudsman along with any related funds, created pursuant to the Natural Resources and Environmental Protection Act, Sections 5701 - 5708 of Act No. 451 of the Public Acts of 1994, being Sections 324.5701 - 324.5708 of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1995-2, are hereby transferred to the Michigan Strategic Fund.

16. Michigan Renaissance Zone Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission under the Michigan Renaissance Zone Act created pursuant to Act No. 376 of the Public Acts of 1996, being Section 125.2681 et seq. of the Michigan Compiled Laws, are hereby transferred to the Michigan Strategic Fund. The position on the Renaissance Zone Review Board designated for the Chief Executive Officer of the Department of the Michigan Jobs Commission is hereby transferred to the president of the Michigan Strategic Fund.

17. Michigan Business Incubation Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Michigan Business Incubation Act, Act No. 198 of the Public Acts of 1984, as amended, being Section 125.1571 of the Michigan Compiled Laws, and transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

18. Commercial Redevelopment Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Commercial Redevelopment Act, Act No. 255 of the Public Acts of 1978, as amended, being Sections 207.651 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

19. Economic Development Corporations Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions, of the Department of Commerce under the Economic Development Corporations Act, Act No. 338 of the Public Acts of 1974, as amended, being Section 125.1601 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

20. Office of Film and Television Services

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of Film and Television Services, created within the Department of Commerce by Executive Directive 1979-3, continued by Executive Order 1984-8 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred to the Michigan Strategic Fund.

21. Economic Development Transportation Projects

Operator and Chauffeur license fees collected under Section 819 of Act No. 300 of the Public Acts of 1949, as amended, being Section 257.819 of the Michigan Compiled Laws are hereby transferred to the Michigan Strategic Fund to be used for economic development transportation projects.

22. Other Programs

All the statutory authority, powers, duties, functions and responsibilities, including budgeting, procurement, personnel and management related functions of the following programs are hereby transferred to the Michigan Strategic Fund:

- a. The Michigan Training Incentive Fund, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;
- b. The Minority, Women and Small Business Services units, created pursuant to Act No. 165 of 1975, being Section 125.1221 et seq., of the Michigan Compiled Laws and transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;
- c. The Capital Resources Group, created pursuant to the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, being Section 125.2001 et seq. of the Michigan Compiled Laws, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;
- d. The Office of Business and Education Coordination and the Sales Unit of the Development Services Division transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26;
- e. The K. I. Sawyer Conversion Authority created by Executive Order 1993-16 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26; and
- f. The Wurtsmith Conversion Authority created by Executive Order 1991-37 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26.

B. All records, personnel, property and unexpended balances of appropriations, allocations, grants and other funds used, held, employed, available or to be made available to the Department of the Michigan Jobs Commission for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Michigan Strategic Fund.

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

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

IV. MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

A. The Michigan Strategic Fund may enter into an interlocal agreement with one or more local public agencies pursuant to the Urban Cooperation Act of 1967, Act No. 7 of 1967, Ex. Sess., as amended, being Section 124.501 et seq., of the Michigan Compiled Laws, to provide for a public body corporate, to be called the Michigan Economic Development Corporation (the "Corporation").

A purpose of the Corporation shall include the joint exercise of shared power, privilege or authority of the Michigan Strategic Fund and the local public agencies to perform successful, effective and efficient economic development programs and functions. Shared powers shall include the coordination of complimentary, applicable state and local economic development programs and functions.

Pursuant to the joint exercise of shared power, privilege or authority, the interlocal agreement may provide for the Corporation to solicit and to accept grants, donations or transfers of personnel, services, facilities, property, franchises or funds from the United States, the state of Michigan, any political subdivision, department or agency of the state of Michigan, corporations, agencies, organizations, associations or any other person, either public or private.

The interlocal agreement may provide that the Michigan Strategic Fund contribute any such personnel, services, facilities, property, franchises, powers, responsibilities or funds to the Corporation as permitted by law and as are necessary to carry out the purposes of this Executive Order, with the exception of all taxable and tax exempt bond issuance authority. Whenever Michigan Strategic Fund personnel, services, facilities, property, franchises or funds contributed to the Corporation require annual appropriation, any obligation of the Michigan Strategic Fund created pursuant to the interlocal agreement shall be likewise conditioned upon annual appropriations. The interlocal agreement shall provide that state civil service employees detailed to the Corporation shall continue in the state classified service and in the state benefit system including wages, pension, seniority, sick leave, vacation, health, welfare and other benefits.

B. All departments, boards, commissions or officers of the state or of any political subdivision thereof shall give the Michigan Economic Development Corporation, or to any member or representative thereof, any necessary assistance required by the Michigan Economic Development Corporation or any member or representative thereof, in the performance of the functions, duties and responsibilities of the Michigan Economic Development Corporation.

V. CREATION OF THE DEPARTMENT OF CAREER DEVELOPMENT

A. The Department of Career Development is hereby created. All the remaining authority, powers, duties, functions, responsibilities and personnel of the Department of the Michigan Jobs Commission are transferred to the Department of Career Development. This department shall be headed by a Director who shall be appointed by and serve at the pleasure of the Governor.

B. The following programs and functions are hereby transferred from the Department of the Michigan Jobs Commission to the Department of Career Development:

1. All the authority, powers, duties, functions and responsibilities of the Council of Career Preparation Standards, created by Executive Order 1997-15 and funded under the State School Aid Act of 1979, Section 67 of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1667 of the Michigan Compiled Laws, are hereby transferred by a Type II transfer to the Department of Career Development.

2. All the authority, powers, duties, functions and responsibilities of the Governor's Workforce Commission, created by Executive Order 1994-26, Section VII, are hereby transferred by a Type II transfer to the Department of Career Development. The position on the Governor's Workforce Commission designated for the Michigan Jobs Commission Chief Executive Officer is transferred to the president of the Michigan Strategic Fund. The position on the Governor's Workforce Commission designated for the Vice President for Workforce Development is transferred to the Director of the Department of Career Development.

3. All the authority, powers, duties, functions and responsibilities of the State Board of Education for the Michigan Rehabilitative Services, pursuant to the Rehabilitation Act, Act No. 232 of the Public Acts of 1964, as amended, being Section 395.81 et seq. of the Michigan Compiled Laws; Act No. 111 of the Public Acts of 1952, as amended, being Section 395.151 et seq. of the Michigan Compiled Laws; the Worker's Disability Compensation Act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being Section 418.101 et seq., of the Michigan Compiled Laws, and the federal Rehabilitation Act of 1973, 29 USC 701 et seq., transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

4. All the authority, powers, duties, functions and responsibilities of the Michigan Rehabilitation Advisory Council established within the Department of the Michigan Jobs Commission by Executive Order 1994-20 are hereby transferred by a Type II transfer to the Department of Career Development.

5. All the authority, powers, duties, functions and responsibilities of the Federal JOBS Program, Work First and Grant Diversion programs, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

6. All the authority, powers, duties, functions and responsibilities of the Michigan Community Service Commission, pursuant to Act No. 219 of the Public Acts of 1994, being Section 408.221 et seq., of the Michigan Compiled Laws, are hereby transferred by a Type II transfer to the Department of Career Development.

7. All the authority, powers, duties, functions and responsibilities of the Governor's Office for Job Training, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

8. All the authority, powers, duties, functions and responsibilities of the Displaced Homemaker Program transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

9. All the authority, powers, duties, functions and responsibilities of the Michigan Occupational Information Coordinating Committee, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Director of Department of Career Development.

10. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Michigan Transition Initiative, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

11. All the authority, powers, duties, functions and responsibilities of the Michigan Occupational Information System transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type II transfer to the Department of Career Development.

12. All the authority, powers, duties, functions and responsibilities of the Department of Corrections Job Training Programs transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

13. All the authority, powers, duties, functions and responsibilities of the Employment Service Agency not transferred to the Michigan Strategic Fund as described in III. A.6, established pursuant to the Michigan Employment Security Act, Act No. 1 of the Public Acts of 1936, Ex. Sess., as amended, being Section 421.1 et seq. of the Michigan Compiled Laws, as modified by Executive Order 1997-12 and Executive Order 1997-18, are hereby transferred by a Type I transfer to the Department of Career Development. Finance, information technology and other general administrative employees of the Employment Service Agency and their funding shall transfer from the Employment Service Agency to the Department of Career Development. The Department of the Michigan Jobs Commission Chief Executive Officer and the Employment Service Agency Director shall jointly determine the positions to be transferred.

14. Any other authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management not transferred to the Michigan Strategic Fund or the president of the Michigan Strategic Fund by this Order or by statute, are hereby transferred to the Department of Career Development.

C. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of the Michigan Jobs Commission for the activities, powers, duties, functions and responsibilities transferred by Section V of this Order are hereby transferred to the Department of Career Development.

D. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Department of Career Development lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

E. 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.

VI. Miscellaneous

A. The position on the Brownfield Redevelopment Board created by the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, at Section 324.20104a of the Michigan Compiled Laws, designated for the Chief Executive Officer of the Department of the Michigan Jobs Commission is hereby transferred to the president of the Michigan Strategic Fund.

B. The Michigan Jobs Commission Board, the Department of the Michigan Jobs Commission, and the Michigan Jobs Commission are hereby abolished as of the effective date of this Executive Order.

C. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

This Executive Order shall become effective Monday, April 5, 1999.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 3rd day of February, in the Year of our Lord, One Thousand Nine Hundred Ninety-nine.

John Engler
Governor

By the Governor:
Candice S. Miller
Secretary of State

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

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 8

Senate Resolution No. 9

The resolution consent calendar was adopted.

Senators Schwarz, Van Regenmorter, Gougeon, Stille, Goschka, Gast, Steil, Bullard, Dunaskiss, Bennett, Shugars, Hammerstrom, Sikkema, Rogers, DeGrow, Hoffman, McManus, V. Smith, Vaughn, Hart, Murphy, Cherry, Peters, Byrum, North, Koivisto, DeBeaussaert, Emmons, Schuette, Miller, A. Smith, McCotter, Emerson, Young, Dingell, Leland and Jaye offered the following resolution:

Senate Resolution No. 8.

A resolution of tribute to George Needham.

Whereas, The members of the Michigan Senate offer this resolution to thank George Needham for his service as State Librarian as he leaves to pursue other opportunities. Beginning in 1996, Mr. Needham took over the helm of the Library of Michigan and began to put in place a successful tenure at the Library; and

Whereas, In an effort to gather ideas and comments on how to best utilize federal Library Services and Technology Act (LSTA) funding, Mr. Needham led a statewide series of open meetings to plan for LSTA funds. He also worked to create an advisory group for the statewide database program, AccessMichigan, which opened up direct, no-cost electronic access for school, public, and academic libraries in all parts of the state and was successful in using state funding in combination with federal LSTA funding to support and improve this nationally-recognized service; and

Whereas, Mr. Needham worked to build strong and successful partnerships between the Library of Michigan and other state library organizations that resulted in better planning and collaboration for the benefit of the library community. Indeed, Mr. Needham took a very hands-on interest in libraries throughout Michigan and regularly traveled to attend meetings, building dedications, and other library events; and

Whereas, Within the Library of Michigan he worked to foster open communication for library staff and instituted regular meetings to share news and accomplishments; and

Whereas, He worked closely with leaders of the Michigan Information Network, the Michigan Jobs Commission, the Michigan Department of Education, the Merit Network, MiCHTA, directors of the public library cooperatives and the Regional Educational Media Centers, and others to formulate Michigan's response to federal Universal Service Fund (USF) telecommunications funding, making Michigan one of the most successful states in the nation in qualifying eligible libraries for USF discounts; and

Whereas, Mr. Needham's strong work with groups such as the Gates Foundation enhanced Michigan's position in the national library community and will ultimately bring millions of dollars worth of computers, software, and training to update information skills and technology in libraries in some of Michigan's most disadvantaged areas; and

Whereas, Mr. Needham's fine credentials, including a B.A. in English and an M.L.S. from the State University of New York at Buffalo, work with the Charleston County Library in Charleston, South Carolina, the Fairfield County District Library in Lancaster, Ohio, the Ohio Library Association, and the Public Library Association have added to his reputation as a nationally-recognized librarian with a record of working and obtaining goals; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of tribute be hereby accorded to George Needham to thank him for his work and his fine service. His contributions to Michigan's libraries will continue on in the future; and be it further

Resolved, That a copy of this resolution be transmitted to Mr. Needham so that he may know of our esteem and best wishes for his continued success.

Senators Cherry, Gougeon, Koivisto, Stille, North, Young, McManus, Goschka, Schwarz, DeBeaussaert and Jaye offered the following resolution:

Senate Resolution No. 9.

A resolution to memorialize the Congress of the United States to strengthen measures to prohibit the dumping of shipping ballast water into the Great Lakes and connecting waterways.

Whereas, The fragile ecology of the Great Lakes has been threatened by new species of fish and plant life introduced into this water system by ships releasing ballast water. In recent years, the zebra mussel, ruffe, and goby have posed significant challenges to the delicate balance of the most important fresh water resource of North America and the largest and most accessible source of fresh water in the world; and

Whereas, With changing technologies in the shipping industry and in the ability to monitor and test water, there are opportunities to make progress in the effort to halt the introduction of more nonindigenous species into the Great

Lakes. Congress can contribute enormously to this work through stronger legislation to prohibit the dumping of ballast water in the Great Lakes water system and grants to promote better compliance; and

Whereas, The quality of the Great Lakes will play a large role in shaping the future not only for Michigan and the United States, but for all of North America; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to strengthen measures to prohibit the dumping of shipping ballast water into the Great Lakes and connecting waterways; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Introduction and Referral of Bills

Senators Bullard, Gougeon, Goschka, Shugars, Dunaskiss, Schuette, Rogers, Emmons, Dingell and Jaye introduced **Senate Joint Resolution F, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty for first degree murder.

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

Senators Sikkema, Hammerstrom, Bennett, Hoffman, Schuette, Gougeon, McManus, Dunaskiss, Schwarz and Bullard introduced

Senate Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 21 of article V, to provide for the filling of the office of lieutenant governor upon a vacancy.

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

Senators Schwarz, Byrum and Hammerstrom introduced

Senate Bill No. 260, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416b.

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

Senators Byrum, Schwarz and Hammerstrom introduced

Senate Bill No. 261, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406n.

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

Senators Hammerstrom, Schwarz and Byrum introduced

Senate Bill No. 262, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21053e.

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

Senators Schwarz and Byrum introduced

Senate Bill No. 263, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21720a (MCL 333.21720a).

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

Senators Cherry, V. Smith and Young introduced

Senate Bill No. 264, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2107a.

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

Senators Cherry, V. Smith, Gast, McCotter, Young, Stille and Steil introduced

Senate Bill No. 265, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," (MCL 124.501 to 124.512) by adding section 5c.

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senators Koivisto, Cherry, McManus, V. Smith, Hart, Miller, A. Smith, Murphy, Gast, Hoffman, North, Vaughn, Young, Emerson, Gougeon, Dunaskiss, Bullard and Schwarz introduced

Senate Bill No. 266, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19g.

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

Senators Hoffman, Goschka, North, Young, Byrum, V. Smith and Bullard introduced

Senate Bill No. 267, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending section 3 (MCL 38.1603), as amended by 1995 PA 192, and by adding section 40b.

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

Senators Shugars, Emmons, Steil and Goschka introduced

Senate Bill No. 268, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8831 (MCL 600.8831), as added by 1995 PA 54.

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

Senators Schuette, Gougeon, McManus, Steil, Stille, Goschka, Bennett and Bullard introduced

Senate Bill No. 269, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38d (MCL 208.38d), as added by 1996 PA 382.

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

Senators Schuette, Gougeon, McManus, Steil, Stille, Goschka, Bennett and Bullard introduced

Senate Bill No. 270, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 2, 3, 4, 5, 8, 13, 15, 16, and 19 (MCL 125.2652, 125.2653, 125.2654, 125.2655, 125.2658, 125.2663, 125.2665, 125.2666, and 125.2669).

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

Senators Schuette, Gougeon, McManus, Steil, Stille, Goschka, Bennett and Bullard introduced

Senate Bill No. 271, entitled

A bill to amend 1978 PA 566, entitled "An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies," by amending section 3 (MCL 15.183), as amended by 1994 PA 317.

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

Senators Hoffman, Bennett, Dunaskiss, Stille, Sikkema, Byrum, Gast, DeBeaussaert, A. Smith and Emmons introduced

Senate Bill No. 272, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 205.

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

Senator Shugars introduced

Senate Bill No. 273, entitled

A bill to prohibit the distribution of tobacco products to minors; to prohibit the use of tobacco products by minors; to regulate the retail sale of tobacco products; to prescribe penalties; to prescribe the powers and duties of certain state and local agencies and departments; and to repeal acts and parts of acts.

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

Scheduled Meetings

Education Committee, Joint Senate and House - Wednesday, February 10, at 11:30 a.m., 8th Floor Conference Room, Farnum Building (3-7350).

Environmental Quality Appropriations Subcommittee - Wednesdays, February 17, February 24, March 3 and March 10, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-7350).

Natural Resources Appropriations Subcommittee - Wednesdays, February 17, February 24, March 3 and March 10, at 8:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Natural Resources and Environmental Affairs Committee - Tuesday, February 9, at 3:00 p.m., 8th Floor Conference Room, Farnum Building (3-0797).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 10:16 a.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Tuesday, February 9, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.