

**No. 19**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2005**

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Senate Chamber, Lansing, Thursday, March 3, 2005.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Alan Sanborn.

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

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

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

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

Senator Mark Schauer of the 19th District offered the following invocation:

Dear Lord, as we continue to meet within this stately chamber, it is our charge to be ever mindful of the extremely difficult tasks that we are confronted with. It is only with Your blessings that we can find the solutions which will allow us to prosper and provide the quality of life each of our citizens deserves.

To borrow from Ms. Sue Ayer, "Spirit of life and love, we have gathered here in search of answers to hard questions. We have come in search of understanding, in search of community. We have come in search of hope and healing. Let this be a place not only of searching, but of discovery. Let this be a place of not only learning, but of wisdom. Let this be a place not only of meeting, but of connection. Let this be a place where healing fosters giving and hope fosters service. This is our prayer, that we may create here a circle of love, ever expanding, ever growing, as we seek to know You, the source of our being." Amen.

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

### Motions and Communications

Senator Hammerstrom moved that Senators Johnson, Goschka and Garcia be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Bernero be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Barcia be excused from today's session.

The motion prevailed.

Senator Hammerstrom moved that the Committee on Government Operations be discharged from further consideration of the following appointments:

#### **Michigan Natural Resources Trust Fund Board**

Mr. Steven K. Hamp of 1520 Harding Road, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Steven Arwood, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2005.

Ms. Lana B. Pollack of 345 Sumac Lane, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding David Dempsey, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2007.

The motion prevailed, a majority of the members serving voting therefor, and the appointments were placed on the order of Messages from the Governor.

Senators Goschka, Garcia and Johnson entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, March 2:  
**House Bill Nos. 4233 4342**

The Secretary announced that the following official bills were printed on Wednesday, March 2, and are available at the legislative Web site:

<b>Senate Bill Nos.</b>	<b>257</b>	<b>258</b>	<b>259</b>	<b>260</b>	<b>261</b>	<b>262</b>												
<b>House Bill Nos.</b>	<b>4416</b>	<b>4417</b>	<b>4418</b>	<b>4419</b>	<b>4420</b>	<b>4421</b>	<b>4422</b>	<b>4423</b>	<b>4424</b>	<b>4425</b>	<b>4426</b>	<b>4427</b>	<b>4428</b>	<b>4429</b>				
	<b>4430</b>	<b>4431</b>	<b>4432</b>	<b>4433</b>														

### Messages from the Governor

Senator Bernero entered the Senate Chamber.

The following message from the Governor was received and read:

March 2, 2005

Due to typographical errors on the June 3, 2003 letter filed with your office pursuant to Section 2402 of the Occupational Code, 1980 PA 299, MCL 339.2402, please be advised of the following correction:

**Residential Builders' and Maintenance and Alteration Contractors' Board**

Mr. Anthony L. Parker of 2129 Iroquois, Detroit, Michigan 48214, county of Wayne, succeeding Frank E. Smith, appointed for a term commencing on June 3, 2003 and expiring on March 31, **2007**.

Sincerely,  
Jennifer M. Granholm  
Governor

The message was referred to the Committee on Government Operations.

**Michigan Natural Resources Trust Fund Board**

Mr. Steven K. Hamp of 1520 Harding Road, Ann Arbor, Michigan 48104, county of Washtenaw, succeeding Steven Arwood, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2005.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

**Roll Call No. 20**

**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: Sanborn

Senators Birkholz, Basham, Brater and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Birkholz's first statement is as follows:

The Natural Resources and Environmental Affairs Committee of the Senate has met with and considered in great detail and had discussions with Steven Hamp, who is recommended for appointment to the Natural Resources Trust

Fund Board. First of all, you do have their vitae in front of you—this one and the next appointee. Their vitae are on your desks, members, if you care to take a look at them more closely. The committee very extensively examined the background of Steven Hamp and in testimony felt that he was very well-prepared. He was well-equipped. He had done considerable research on the duties of the job that would be before him and also on the responsibilities of that job.

The value of the trust fund is immensely important to the people of this state. It is an important conservation tool and we feel—the committee as a whole feels—very comfortable in recommending Steven Hamp for the job of a member of the Natural Resources Trust Fund Board, and therefore, we recommend the advise and consent to his appointment. We feel that he will serve the best interests of the state of Michigan and the best interests of our natural resources.

Senator Basham's statement is as follows:

I, too, would support the positive vote of resolution for Steven Hamp. He currently is the president of the Henry Ford Museum. He has done a phenomenal job in that capacity, and the citizens of the state of Michigan will be well-served by his appointment to the Natural Resources Trust Fund Board.

Senator Brater's statement is as follows:

I also rise to support the confirmation of the nomination of Steven K. Hamp to the Michigan Natural Resources Trust Fund Board. Mr. Hamp brings a very interesting and compelling blend of interest in historic preservation and conservation, which are very mutually complementary in terms of preserving the great cultural heritage of our state and the natural beauty of our state. It is very fitting that Governor Granholm has put his name forward. He is a recognized leader in the Michigan museum and tourism industry. He has more than 20 years of distinguished service with the Henry Ford Museum, and he has been involved in every aspect of educational programming and business development, including the museum's largest and most successful capital campaign.

Steven Hamp, who I'm proud to claim as my constituent, is also an active and engaged Michigan citizen serving on numerous boards, committees, and councils, including the Community Foundation of Southeast Michigan, the Knight Foundation, Detroit Community Advisory Committee, the Kresge Foundation, the MEDC Executive Committee, the Detroit Super Bowl XL Host Committee, and the Michigan Historical Foundation.

In 1999, his generous and selfless civic contributions were recognized by *The Detroit News* when he was named a Michiganiaan of the Year. In 2000, he became the first recipient of the Helen and William Milliken Distinguished Service Award from the Michigan Environmental Council. In 2002, the Governor's Arts Awards honored him with its Civic Leader designation. That same year, he was also awarded an honorary doctorate degree from the University of Michigan.

His impressive background and his extensive experience combined with his continuing commitment to his community and the state of Michigan make him an outstanding appointment to the Michigan Natural Resources Trust Fund Board. I am confident that he will serve well, and I urge you to support this nomination.

Senator Cropsey's statement is as follows:

I have a question that perhaps someone can answer on this. The Natural Resources Trust Fund seems to have very broad powers as far as the trust fund members setting the priorities stating what they can do and cannot do. It has come to my attention the last few weeks that throughout the state of Michigan, the Department of Natural Resources or the EPA has asked several local communities to fix up the dams or get rid of the dams that are on the street. A lot of these dams have been there for 150 years and are in a very serious state of being washed away, which would definitely hurt the natural resources of the state. But the problem is that a lot of these local communities, especially in the rural areas, do not have the funds in order to either fix up the dams or to remove the dams. We are looking at a very serious situation then, as far as the maintenance of our natural resources.

I was wondering if this issue had been brought to their attention and what the attitude is of these two people who are being appointed to the Natural Resources Trust Fund Board, as to whether they are open to these ideas and having to state that these are indeed critical issues on dealing with our natural resources? Although, it's not purchasing property, but it is purchasing an item perhaps to have it either fixed up or have it removed. As whether or not they are open to this or whether or not they are just saying that we've always done it this way, we aren't going to change our ways.

If someone could address that issue I would appreciate it.

Senator Birkholz's second statement is as follows:

I can answer the question in a conceptual way because we did not take minutes of the meeting. Actually, we asked both of the appointees—or the appointee applicants—that question when we had them before us. The answer, which was given in a little bit more detail about the second appointee applicant—former Senator Lana Pollack—but the appointee who is before us now, Steven Hamp, concurred in her answer and said, as also did the second appointee, former Senator Lana Pollack, that they wanted more information. This issue had not been raised prior to them coming

before the committee. In all the background information they had gotten and the briefings they had received, they had not heard of this issue. However, her response, in which he concurred, was that potentially it was certainly something that they thought they could consider. They were not aware of any point in the legislation dealing with the trust fund that they could not do this. Their concern was that if it was to restore property, to serve a conservation or recreation purpose, they thought that it would fit into the criteria of what the law requires of them. However, they both left with the caveat that they wanted more information. But they both certainly were open to the question and open to the suggestion that that may be something the trust fund could deal with.

#### **Michigan Natural Resources Trust Fund Board**

Ms. Lana B. Pollack of 345 Sumac Lane, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding David Dempsey, who has resigned, representing the general public, for a term commencing January 26, 2005 and expiring October 1, 2007.

Senator Hammerstrom moved that the Senate advise and consent to the appointment.

The question being on advising and consenting to the said appointment to office,

The Senate advised and consented to the appointment to office, a majority of the members serving voting therefor, as follows:

#### **Roll Call No. 21**

**Yeas—37**

Allen	Clarke	Jacobs	Sanborn
Basham	Cropsey	Jelinek	Schauer
Bernero	Emerson	Johnson	Scott
Birkholz	Garcia	Kuipers	Sikkema
Bishop	George	Leland	Stamas
Brater	Gilbert	McManus	Switalski
Brown	Goschka	Olshove	Thomas
Cassis	Hammerstrom	Patterson	Toy
Cherry	Hardiman	Prusi	Van Woerkom
Clark-Coleman			

**Nays—0**

**Excused—1**

Barcia

**Not Voting—0**

In The Chair: Sanborn

Senators Birkholz, Brater and Cropsey asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Birkholz's statement is as follows:

As chair of the Natural Resources and Environmental Affairs Committee, I am here to report on the appointment of former Senator Lana Pollack to the Natural Resources Trust Fund Board. And, again, you have her vita in front of you, members; they are on your desks. I would like to report that the committee carefully examined her background and her vita.

In testimony, we found former Senator Lana Pollack to be very well-prepared and very well-equipped to handle the position. She had done considerable research. Actually, we were impressed with the research they had done on this

position and how much they knew about the duties and responsibilities of the job. So with that, the committee voted affirmatively to recommend the appointment of former Senator Lana Pollack to the Natural Resources Trust Fund Board. We feel she will do a good job as guardian of the trust fund dollars, which, as we all know, is a conservation tool, and she will serve the best interests of our state and our natural resources in carrying out her duties as a Natural Resources Trust Fund Board member. So with that, the Natural Resources and Environmental Affairs Committee recommends the advise and consent for the appointment of Lana Pollack to the Natural Resources Trust Fund Board.

Senator Brater's statement is as follows:

I, too, rise in support of the appointment of Lana B. Pollack to the Michigan Natural Resources Trust Fund Board of Trustees. Lana Pollack currently serves as the president of the Michigan Environmental Council. The MEC has provided a voice for the environment at the Capitol for 25 years, developing public policy, educating elected officials and the public, and providing technical support and assistance to its member organizations.

In 1982, Lana Pollack was elected to the Michigan State Senate in the 18th District, which I currently serve, and I'm proud to serve in the spirit of the leadership that she brought in the environmental issues to her leadership in the Senate. She served for 12 years on the Appropriations, Finance, Education, and Criminal Justice and Urban Affairs Committees. As the Senate's only female Democrat for eight years, she advocated tirelessly for the environment and the rights of women and children.

In 1994, after narrowly losing the Democratic nomination for U.S. Senate, she retired from public office, establishing the *Michigan Monthly* magazine and serving as its publisher until 1996. Most recently, she has taught at the University of Michigan and served on the boards of numerous national, statewide, and local non-profits. In 2002, she was inducted into the Michigan Women's Hall of Fame.

Lana Pollack's educational background from the University of Michigan, her extensive international experiences, her distinguished legislative career, and her wealth of knowledge on environmental and social issues make her a superlative choice to serve on the Michigan trust fund board of trustees.

On a personal note, Lana emphasized in her testimony before the committee her roots in western Michigan, growing up on the shores of Lake Michigan in Ludington, and her continuing affection and passion for protecting the natural resources of the state and the surrounding Great Lakes and their dunes.

So as an exemplary Michigan citizen, Lana Pollack has served her state well, and I enthusiastically urge you to support her appointment.

Senator Cropsey's statement is as follows:

I served with former Senator Pollack several years ago in the Michigan Senate. We seldom agreed on any of the major issues, but I think she was always extremely well-prepared. She was always a very worthy opponent. She knew her stuff. When it comes to environmental issues, I'm sure we would still disagree on a lot of issues, but she is prepared. I think that is what you are looking for, somebody serving on this trust fund board who has an open mind.

In response to the chairman of the committee testimony issue earlier on the dam issue, I do appreciate former Senator Pollack's position on that, as long as she has an open mind where we can talk to her about these issues that do have an impact on our natural resources. I will more than gladly support the nomination of Lana Pollack to this trust fund board.

I know her, and she will probably be very surprised, and I hope pleased, when she sees my vote up there as a green vote.

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. 13**

The resolution consent calendar was adopted.

Senators Clark-Coleman, Scott, Jacobs, Leland, Schauer, Cherry, Olshove, Barcia, Hardiman, Clarke, Bernero, Prusi, Allen, Bishop, Goschka, Stamas, Van Woerkom, Johnson, Hammerstrom, Gilbert, George, Toy, McManus, Brater, Switalski, Brown, Patterson and Sikkema offered the following resolution:

#### **Senate Resolution No. 13.**

A resolution commemorating March 10, 2005, as Graduate Education Day in Michigan.

Whereas, Wayne State University has one of the largest graduate schools in the country, ranking in the top 10 nationally; and

Whereas, Nearly 13,000 graduate and professional students choose from more than 60 doctoral degree programs, 130 master's degree programs, and 30-plus certificate, specialist, and professional programs at Wayne State University; and

Whereas, Wayne State University's part-time Master of Business Administration program, the seventh-largest professionally accredited program in the world, has an award-winning online program specifically developed for working professionals; and

Whereas, Wayne State University's faculty members, outstanding in their fields and dedicated to student success, are just one reason so many students choose Wayne State University; and

Whereas, Wayne State University faculty members conduct critical, cutting-edge research and scholarship across a broad range of topics—from alternative fuels to microsensors and homeland security to public health—and continually advance the frontiers of knowledge and practice; and

Whereas, Graduate education provided by Wayne State University promotes the discovery of new ideas that create new goods, services, and whole industries, and it prepares people with skills demanded by today's economy; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 10, 2005, as Graduate Education Day in Michigan and urge the appropriate observance thereof.

Senators Birkholz, Cropsey, Jelinek and Thomas were named co-sponsors of the resolution.

Senator Gilbert offered the following resolution:

**Senate Resolution No. 14.**

A resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the Senate, That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; 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.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Cropsey, Hardiman, Jacobs, Jelinek, Olshove, Prusi, Switalski, Thomas, Van Woerkom and Goschka were named co-sponsors of the resolution.

Senator Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 8.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Health Diagnostic Laboratory.

Whereas, On November 29, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 31 of 2001, approved the conveyance of property by the Department of Agriculture to the State Building Authority (the "Authority") and approved a lease between the State of Michigan, on behalf of the Department of Agriculture, (the "State"), and the Authority relative to the Animal Health Diagnostic Laboratory (the "Facility"); and

Whereas, Section 7(2) of 1984 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on November 29, 2001; and

Whereas, The site for the Facility was (and continues to be) owned by the Board of Trustees of Michigan State University (the "Educational Institution"); and

Whereas, Approval of the conveyance of the property by the Educational Institution to the Authority and approval of a lease among the State, the Authority, and the Educational Institution is hereby requested for the Facility; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the Authority; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Michigan State University Animal Health Diagnostic Laboratory shall not exceed \$58,000,000 (the Authority share is \$57,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institutional share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$57,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$4,895,000 and \$6,120,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease (and related documents) for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Cropsey, Hardiman, Jacobs, Jelinek, Schauer, Switalski, Van Woerkom and Goschka were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 9.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Central Michigan University relative to the Central Michigan University Health Professions Building.



Whereas, On December 4, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 35 of 2001, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease among the State of Michigan (the "State"), the Authority, and Central Michigan University (the "Educational Institution") relative to the Central Michigan University Health Professions Building (the "Facility"); and

Whereas, Section 7(2) of 1984 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on December 4, 2001; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan may be conveyed to the State Building Authority; and

Whereas, The site for the Facility is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Central Michigan University Health Professions Building shall not exceed \$50,000,000 (the Authority share is \$37,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institutional share is \$12,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$37,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$3,165,000 and \$3,960,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Cropsey, Hardiman, Jacobs, Jelinek, Schauer, Switalski, Van Woerkom and Goschka were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 10.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall.

Whereas, On December 5, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 41 of 2001, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease among the State of Michigan (the "State"), the Authority, and the Regents of the University of Michigan (the "Educational Institution") relative to the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall (the "Facility"); and

Whereas, Section 7(2) of 1964 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on December 5, 2001; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan may be conveyed to the State Building Authority; and

Whereas, The site for the Facility located in Washtenaw County is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall shall not exceed \$35,000,000 (the Authority share is \$26,250,000, the State General Fund/General Purpose share is \$0, and the Educational Institutional share is \$8,750,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$26,250,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$2,215,000 and \$2,770,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Cropsey, Hardiman, Jacobs, Jelinek, Schauer, Switalski, Van Woerkom and Goschka were named co-sponsors of the concurrent resolution.

Senator Johnson offered the following concurrent resolution:

**Senate Concurrent Resolution No. 11.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Roosevelt Parking Facility.

Whereas, On September 24, 2002, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 69 of 2002, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease between the State of Michigan (the "State") and the Authority relative to the Department of Management and Budget Roosevelt Parking Facility (the "Facility"); and

Whereas, Section 7(2) of 1964 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on September 24, 2002; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan may be conveyed to the State Building Authority; and

Whereas, The site for the Facility located in Ingham County is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Management and Budget Roosevelt Parking Facility shall not exceed \$6,600,000 (the Authority share is \$6,599,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$6,599,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$515,000 and \$650,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Hardiman, Jacobs, Jelinek, Schauer, Switalski, Van Woerkom and Goschka were named co-sponsors of the concurrent resolution.

Senator Gilbert offered the following concurrent resolution:

**Senate Concurrent Resolution No. 12.**

A concurrent resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; 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.

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

Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Hammerstrom moved that the concurrent resolution be referred to the Committee on Transportation.

The motion prevailed.

Senators Birkholz, Brater, Cassis, Cropsey, Hardiman, Jacobs, Jelinek, Olshove, Prusi, Switalski, Thomas, Van Woerkom and Goschka were named co-sponsors of the concurrent resolution.

### Introduction and Referral of Bills

Senators Barcia, Stamas and Goschka introduced

**Senate Bill No. 285, entitled**

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," by amending section 2e (MCL 21.142e), as amended by 2004 PA 342.

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

Senator Cropsey introduced

**Senate Bill No. 286, entitled**

A bill to require online dating services to conduct criminal background checks or to provide certain notices; and to provide remedies.

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

Senators Garcia, Gilbert, Kuipers and Cropsey introduced

**Senate Bill No. 287, entitled**

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 69, 69c, 69f, and 75 (MCL 38.1369, 38.1369c, 38.1369f, and 38.1375), sections 69, 69c, and 75 as amended by 1989 PA 194 and section 69f as added by 1989 PA 194.

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

**House Bill No. 4233, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 16 (MCL 431.316).

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 Judiciary.

**House Bill No. 4342, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

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 Finance.

### Statements

Senators Brown and Scott asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

This Monday we remember the name Edmund Pettus not because of his record as a Confederate general in the American Civil War, but because of a bridge. The former sought to subjugate the right of a whole race of people. The latter did what bridges always do, shorten the distance between time and place. The Edmund Pettus Bridge was the scene of Bloody Sunday, March 7, 1965, 40 years ago this Monday. The gathering started at Brown's Chapel, where 525 marchers met to strengthen the resolve to march with dignity, peaceably, armed with the discipline of nonviolence. Their march was to take them 55 miles from Selma to Montgomery, but they were stopped at the bridge. They were met by those who should have protected their safety, but instead inflicted violence and hate. Organizing the march was Martin Luther King, Jr. Leading the march was Hosea Williams. Also with the group was a young student organizer named John Lewis, now U.S. Congressman. When the peacekeepers turned on the peacemakers, the world turned and took notice. These brave marchers were patriots for the American cause of freedom, opportunity, and equal justice before the law. They were in the line of succession beginning with the freedom fighters of Lexington and Concord and Bunker Hill. They were nonviolent, and yet, they were met with violence.

This weekend, Mr. President, my Congressman, Fred Upton, will meet at the Edmund Pettus Bridge to link arms with his colleague John Lewis to commemorate the march to the bridge. And as we reflect on the significance of this bridge, we express our respect and admiration for those who stood against oppression and bigotry so that all can sit down at the table of brotherhood and justice.

Senator Scott's statement is as follows:

I know there was a workgroup yesterday. I did not attend that workgroup but did have some staff there. You know, this workgroup may not be such a bad thing after all because you are going to encounter a number of things, and I understand that it was discussed that insurance and other things were higher in Detroit. Well, I've been telling you all that for some time, that it wasn't just insurance, but it's the utility rates; it's a bottle of pop; it's just that everything is higher in the Detroit area. Just recently, I have a group that is working on that and is going out to the suburban areas checking those rates from stores and to see if the prices are different. And they are different. Hopefully, we will have a report on that soon.

So I just want my colleagues to know that there is a difference. I didn't realize there was a difference in health care costs, though, until just recently when I was at one of the suburban hospitals and was told by the intake person that a number of Detroiters do not know of some of the benefits that suburbanites do, and we should get more information out to Detroiters so that they are not paying these higher rates.

So I just want you to know that with this insurance group, hopefully, we will uncover. And when we uncover this, hopefully, something will be done about it. Yes, we are paying. I know that there are some people who represent Detroit who may not think so, but living there and dealing with all of these issues, I do know that we do pay much more than some of the suburban areas do.

### Committee Reports

The Committee on Natural Resources and Environmental Affairs reported

**Senate Bill No. 70, entitled**

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

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

The committee further recommends that the bill be given immediate effect.

Patricia L. Birkholz  
Chairperson

**To Report Out:**

Yeas: Senators Birkholz, Patterson, Van Woerkom and Brater

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on Tuesday, March 1, 2005, at 3:00 p.m., Room 110, Farnum Building

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

**COMMITTEE ATTENDANCE REPORT**

The Committee on Finance submitted the following:

Meeting held on Wednesday, March 2, 2005, at 12:42 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus and Brater

Excused: Senator Thomas

**COMMITTEE ATTENDANCE REPORT**

The Committee on Technology and Energy submitted the following:

Meeting held on Wednesday, March 2, 2005, at 3:00 p.m., Room 210, Farnum Building

Present: Senators Patterson (C), Kuipers, Birkholz, Brown, Cassis, Leland and Bernero

Excused: Senator Olshove

**Scheduled Meetings****Appropriations -****Subcommittee -**

**Higher Education** - Wednesday, March 9, 3:30 p.m. and Tuesday, March 15, 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

**Commerce and Labor** - Tuesday, March 8, 3:00 p.m., Room 100, Farnum Building (373-2413)

**Health Policy** - Wednesday, March 9, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-3543)

**Judiciary** - Tuesday, March 8, 1:00 p.m., Room 210, Farnum Building (373-3760)

**Local, Urban and State Affairs** - Thursday, March 10, 1:00 p.m., Lecture Hall 1100, Center for Higher Education, Muskegon Community College, 221 S. Quarterline Road, Muskegon (373-1707)

**Michigan Capitol Committee** - Tuesday, March 15, 12:00 noon, Room 426, Capitol Building (373-0289)

**Natural Resources and Environmental Affairs** - Tuesday, March 8, 3:00 p.m., Room 110, Farnum Building (373-3447)

**Transportation** - Tuesday, March 8, 1:00 p.m., Room 110, Farnum Building (373-7708)

**Transportation, Joint Senate/House** - Monday, March 7, 6:30 p.m., Canton Township Hall, Freedom Room, Lower Level, 1150 S. Canton Center Road, Canton (373-7708)

Senator Hammerstrom moved that the Senate adjourn.

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

The Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Tuesday, March 8, 2005, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate

