

No. 33
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, April 22, 1998.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Connie B. Binsfeld.

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

Bennett—present
Berryman—present
Bouchard—present
Bullard—present
Byrum—present
Cherry—excused
Cisky—present
Conroy—present
DeBeausaert—present
DeGrow—present
Dingell—present
Dunaskiss—present
Emmons—present

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—present
Jaye—present
Koivisto—present
McManus—present
Miller—present
North—present
O'Brien—present
Peters—present

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

Senator George Z. Hart of the 6th District offered the following invocation:

“Amazing grace, how sweet the sound that saved a wretch like me.

I once was lost, but now I’m found; was blind but now I see.

Through many dangers, toils, and snares, I have already come.

’Tis grace that brought me safe thus far and grace will lead me home.”

Motions and Communications

Senators V. Smith, Bouchard and Jaye entered the Senate Chamber.

Senator V. Smith moved that Senator Cherry be excused from today’s session.
The motion prevailed.

Senator DeGrow moved that Senator Posthumus be excused from today’s session.
The motion prevailed.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, April 21:
House Bill Nos. 4964 4965 4966 4967 4968 5531

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, April 21, for his approval the following bills:

Enrolled Senate Bill No. 391 at 11:56 a.m.

Enrolled Senate Bill No. 392 at 11:58 a.m.

Enrolled Senate Bill No. 393 at 12:00 p.m.

Enrolled Senate Bill No. 394 at 12:02 p.m.

Enrolled Senate Bill No. 395 at 12:04 p.m.

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Binsfeld, designated Senator Hoffman as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Binsfeld, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

Senate Bill No. 995, entitled

A bill to authorize an entertainment forum or shopping center to detain, remove, or eject certain individuals under certain circumstances.

House Bill No. 4503, entitled

A bill to amend 1851 PA 156, entitled “An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,” by amending sections 3, 3a, 10b, and 11 (MCL 46.3, 46.3a, 46.10b, and 46.11), section 10b as amended by 1996 PA 40 and section 11 as amended by 1996 PA 396; and to repeal acts and parts of acts.

House Bill No. 5534, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending section 50a (MCL 38.1050a), as amended by 1994 PA 359.

The bills were placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 864, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16221, 16226, 16245, 16247, 16248, and 20165 (MCL 333.16221, 333.16226, 333.16245, 333.16247, 333.16248, and 333.20165), sections 16221

and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, sections 16247 and 16248 as amended by 1993 PA 79, and section 20165 as amended by 1990 PA 179, and by adding sections 16275 and 20197.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4846, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16221, 16226, 16245, 16247, and 16248 (MCL 333.16221, 333.16226, 333.16245, 333.16247, and 333.16248), sections 16221 and 16226 as amended by 1996 PA 594, section 16245 as amended by 1993 PA 87, and sections 16247 and 16248 as amended by 1993 PA 79, and by adding section 16274.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 4962, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 430a.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

House Bill No. 5475, entitled

A bill to prohibit the expenditure of state funds to clone a human being or to conduct or to support research on the cloning of human beings.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 1028, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 104, 504, 701, 702, 705, 706, 711, 715, and 716 (MCL 38.2104, 38.2504, 38.2651, 38.2652, 38.2655, 38.2656, 38.2661, 38.2665, and 38.2666), section 104 as amended by 1995 PA 193 and sections 701, 702, 705, 706, 711, 715, and 716 as added by 1996 PA 523, and by adding sections 701a and 718a.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with amendment, the following bill:

House Bill No. 5059, entitled

A bill to amend 1994 PA 35, entitled "The forensic laboratory funding act," by amending the title and sections 2 and 6 (MCL 12.202 and 12.206); and to repeal acts and parts of acts.

The following is the amendment recommended by the Committee of the Whole:

1. Amend page 3, line 19, after "AND" by inserting "ORIGINATING".

The Senate agreed to the amendment recommended by the Committee of the Whole and the bill as amended was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 680, entitled

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," (MCL 436.1 to 436.58) by adding section 34b.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Messages from the Governor

The following messages from the Governor were received:

Date: April 17, 1998
Time: 3:45 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 732 (Public Act No. 59), being

An act to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 1992 PA 215.

(Filed with the Secretary of State on April 20, 1998, at 11:32 a.m.)

Date: April 17, 1998
Time: 3:48 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 717 (Public Act No. 60), being

An act to amend 1933 PA 167, entitled “An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act,” by amending section 4g (MCL 205.54g), as amended by 1996 PA 576.

(Filed with the Secretary of State on April 20, 1998, at 11:34 a.m.)

Date: April 17, 1998
Time: 3:50 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 856 (Public Act No. 61), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act,” by amending section 6023 (MCL 600.6023), as amended by 1989 PA 5.

(Filed with the Secretary of State on April 20, 1998, at 11:36 a.m.)

Date: April 17, 1998
Time: 3:55 p.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 361 (Public Act No. 62), being

An act to amend 1987 PA 230, entitled “An act to authorize certain local governmental units to incorporate municipal health facilities corporations and subsidiary municipal health facilities corporations for establishing, modifying, operating, and managing health services and acquiring, constructing, adding to, repairing, remodeling, renovating, equipping, and re-equipping hospitals and other health care facilities and related purposes; to provide for the application of this act to existing municipal hospitals and for the transfer of ownership of hospital funds and personal property; to validate and ratify the existence, organization, actions, proceedings, and board membership of existing organizations acting as county public hospitals; to provide for the appointment of trustees; to grant certain

powers of a public body corporate to health facilities corporations and subsidiary health facilities corporations; to empower certain local governmental units to encumber property for the benefit of, transfer or make property available to, issue bonds to construct facilities to be used by, appropriate funds for, and levy a tax for, municipal health facilities corporations and subsidiary municipal health facilities corporations; to empower certain local governmental units to guarantee obligations of municipal health facilities corporations and subsidiary municipal health facilities corporations and to permit certain local governmental units to pledge their full faith and credit to pay such guaranties; to provide for transfer of ownership or operation of health care facilities and health services to nonprofit health care organizations; to authorize municipal health facilities corporations and subsidiary municipal health facilities corporations to borrow money and issue notes for the purposes of meeting expenses of operation and to issue corporation obligations for the purpose of acquisition, construction, repair, remodeling, equipping or re-equipping of health care facilities and for the refinancing, refunding, or refunding in advance of indebtedness of the municipal health facilities corporations or the subsidiary municipal health facilities corporations or of indebtedness of certain local governmental units undertaken on their behalf; to authorize municipal health facilities corporations and subsidiary municipal health facilities corporations to enter into mortgages, deeds of trust, and other agreements for security which may include provisions for the appointment of receivers; to exempt obligations and property of municipal health facilities corporations and subsidiary municipal health facilities corporations from taxation; and to provide other rights, powers, and duties of municipal health facilities corporations and subsidiary municipal health facilities corporations," by amending section 306 (MCL 331.1306), as amended by 1988 PA 502.

(Filed with the Secretary of State on April 20, 1998, at 11:38 a.m.)

Date: April 21, 1998

Time: 8:20 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 790 (Public Act No. 63), being

An act to amend 1982 PA 294, entitled "An act to revise and consolidate the laws relating to the friend of the court; to provide for the appointment or removal of the friend of the court; to create the office of the friend of the court; to establish the rights, powers, and duties of the friend of the court and the office of the friend of the court; to establish a state friend of the court bureau and to provide the powers and duties of the bureau; to prescribe powers and duties of the circuit court and of certain state and local agencies and officers; to establish friend of the court citizen advisory committees; to prescribe certain duties of certain employers and former employers; and to repeal acts and parts of acts," by amending sections 2, 9, 18, and 19 (MCL 552.502, 552.509, 552.518, and 552.519), sections 2 and 19 as amended by 1996 PA 366, section 9 as amended by 1996 PA 365, and section 18 as amended by 1996 PA 144, and by adding section 17e.

(Filed with the Secretary of State on April 21, 1998, at 9:39 a.m.)

Date: April 21, 1998

Time: 8:22 a.m.

To the President of the Senate:

Madam—I have this day approved and signed

Enrolled Senate Bill No. 795 (Public Act No. 64), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 221 (MCL 257.221), as amended by 1997 PA 101.

(Filed with the Secretary of State on April 21, 1998, at 9:41 a.m.)

Respectfully,
John Engler
Governor

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator Bouchard introduced

Senate Bill No. 1056, entitled

A bill to amend 1975 PA 148, entitled "Debt management act," by amending sections 2, 5, 6, 8, 13, 14, 15, 16, and 18 (MCL 451.412, 451.415, 451.416, 451.418, 451.423, 451.424, 451.425, 451.426, and 451.428); 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 Financial Services.

Senators Byrum and Jaye introduced

Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43534 (MCL 324.43534), as added by 1995 PA 57.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

Senate Bill No. 1058, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103 and 32512 (MCL 324.30103 and 324.32512), as added by 1995 PA 59.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senator Jaye introduced

Senate Bill No. 1059, entitled

A bill to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," (MCL 123.1101 to 123.1105) by adding section 2a.

The bill was read a first and second time by title and referred to the Committee on Hunting, Fishing and Forestry.

Senators Jaye and Shugars introduced

Senate Bill No. 1060, entitled

A bill to prohibit the expenditure of public funds for abortions; and to prescribe penalties for a violation of this act.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Schuette, Dunaskiss, Shugars and Jaye introduced

Senate Bill No. 1061, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," (MCL 423.201 to 423.217) by adding section 15a.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Emmons, Dunaskiss, North, Shugars and Jaye introduced

Senate Bill No. 1062, entitled

A bill to prohibit the expenditure of public funds by the state for abortions; and to prescribe penalties for a violation of this act.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Jaye, North, Dunaskiss and Shugars introduced

Senate Bill No. 1063, entitled

A bill to amend 1974 PA 75, entitled "An act to provide for payment to approved independent nonprofit institutions of higher education, located within the state, for all earned degrees conferred upon Michigan residents; and to provide for appropriations," by amending section 2 (MCL 390.1022), as amended by 1984 PA 9.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Shugars, Dunaskiss and Jaye introduced

Senate Bill No. 1064, entitled

A bill to amend 1964 PA 208, entitled "An act to grant scholarships to students enrolled in postsecondary education institutions; and to provide for the administration of the scholarship program," by amending section 7 (MCL 390.977), as amended by 1980 PA 500.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators North, Dunaskiss, Shugars and Jaye introduced

Senate Bill No. 1065, entitled

A bill to amend 1986 PA 273, entitled "An act to establish a Michigan educational opportunity grant program for resident qualified students enrolled in eligible public postsecondary schools; and to prescribe the powers and duties of certain state agencies," by amending section 3 (MCL 390.1403).

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Dunaskiss, Shugars and Jaye introduced

Senate Bill No. 1066, entitled

A bill to amend 1986 PA 102, entitled "An act to establish a grant program for certain part-time, independent students in this state; and to prescribe the powers and duties of certain state agencies and institutions of higher education," by amending section 3 (MCL 390.1283).

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Miller, Hart, Dunaskiss, Shugars and Jaye introduced

Senate Bill No. 1067, entitled

A bill to amend 1976 PA 228, entitled "The legislative merit award program act," by amending section 4 (MCL 390.1304), as amended by 1980 PA 386.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators Hart, Miller, Dunaskiss, Jaye and Shugars introduced

Senate Bill No. 1068, entitled

A bill to amend 1978 PA 105, entitled "An act to provide grants to students enrolled in independent nonprofit institutions of higher learning; and to provide for the promulgation of rules," by amending section 2 (MCL 390.1272), as amended by 1980 PA 502.

The bill was read a first and second time by title and referred to the Committee on Families, Mental Health and Human Services.

Senators North, Koivisto, Rogers, Young, McManus, DeGrow, Gast, Stille, Berryman, Schuette, Shugars and Bullard introduced

Senate Bill No. 1069, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 301 (MCL 324.301).

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

Senators Geake, Hoffman, McManus, Bennett, Stille, North, Dunaskiss, Gast, Young and Jaye introduced

Senate Bill No. 1070, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 1997 PA 73.

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

Senators Bouchard and DeBeaussaert introduced

Senate Bill No. 1071, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520a (MCL 750.520a), as amended by 1983 PA 158.

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

Senators Berryman, Cherry, Miller, Byrum and Koivisto introduced

Senate Bill No. 1072, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27 (MCL 211.27), as amended by 1994 PA 415.

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

Senator Berryman introduced

Senate Bill No. 1073, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," (MCL 38.1001 to 38.1080) by adding section 23a.

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

House Bill No. 4964, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

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. 4965, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

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. 4966, entitled

A bill to amend 1945 PA 246, entitled "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act," by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

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. 4967, entitled

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

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. 4968, entitled

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 2 of chapter VI (MCL 66.2), as amended by 1996 PA 41.

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. 5531, entitled

A bill to amend 1925 PA 289, entitled "An act to create a bureau of criminal identification and records within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties for violation of this act," by amending section 3 (MCL 28.243), as amended by 1989 PA 97.

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.

By unanimous consent the Senate returned to the order of
Resolutions

Senator DeGrow moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 71

Senate Resolution No. 134

Senate Resolution No. 154

The motion prevailed.

Senators Bouchard, Bullard and Dunaskiss offered the following resolution:

Senate Resolution No. 164.

A resolution to deplore unfunded mandates from the state and federal government including the most recent attack on southeast Michigan, with the Twelve Towns Retention Treatment Facility (12 Towns RTF).

Whereas, The Clinton River watershed affects 37 individual communities. Fourteen of these communities have combined sewer systems that empty into the Southeastern Sewage Disposal System. On September 5, 1996, the Michigan Department of Environmental Quality (MDEQ) issued a National Pollutant Discharge Elimination System permit authorizing the continued operation of the 12 Towns RTF. On November 11, 1996, the Drain Commissioner, on behalf of the county and as agent for the 14 communities, filed a petition with the MDEQ contesting portions of the permit conditions; and

Whereas, One of the contested conditions is the name under which the permit was issued. The MDEQ has insisted that the permit name be issued in the name of Oakland County as operator of the 12 Towns facility. The Drain Commissioner has contested this condition because it fails to recognize the long-standing agency relationship that exists between the Drain Commissioner and the fourteen 12 Towns communities. The public works statutes and the Drain Code require that retention treatment facility projects be completed at the local level. Accordingly, the county has no statutory authority to proceed, and acts only as a facilitator to carry out the requests of local government. The authority of the county of Oakland and its Drain Commissioner does not extend to accepting the capital construction and financing obligations contained in the proposed National Pollutant Discharge Elimination System permit; nor does the county and its Drain Commissioner have a source of funding from which they may pay for the requirements of the permit. Thus, any compliance action to enforce the conditions of the said permit would have to be issued against the 14 communities affected; and

Whereas, We urge Congress to take action to either fund the required action or to order the environmental department on the federal level to quit harassing the communities in foisting huge water bills and tax increases across the county without citizen participation in the decision-making process; and

Whereas, The federal judiciary branch has overstepped their bounds and failed to follow their constitutional role. They are requiring the collection of money to pay for certain programs as well as overseeing the administration of those programs; and

Whereas, By usurping the authority of the judicial and executive branches, some activists in the Judicial Branch have assumed the power of all three branches in violation of the Constitution; now, therefore, be it

Resolved by the Senate, That members of this legislative body deplore the potential unfunded costs to Michigan's counties, cities, townships, and villages located in these watershed basins; and be it further

Resolved, That a copy of this resolution be transmitted to members of Congress and the Attorney General, Frank Kelly to ask them to look into ways to legally stop and protect the communities from this action both from the federal government and from unfunded mandates being forced upon us.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Schwarz, McManus, Young and Peters were named co-sponsors of the resolution.

Senators McManus, Rogers, Jaye, Gougeon, Steil, Bennett, Geake, Gast, Schwarz, Dunaskiss, Bullard, Schuette, North, Emmons, Stille and Koivisto offered the following resolution:

Senate Resolution No. 169.

A resolution to memorialize the Congress of the United States to refrain from imposing any special taxes on sport utility vehicles.

Whereas, There is a proposal under discussion promoting a new special tax on sport utility vehicles (SUVs). Media reports indicate that environmental groups are advocating a new federal excise tax on these popular vehicles as a means of raising revenue for conservation purposes. The campaign is centered on the need to preserve threatened natural resources; and

Whereas, While the need for responsible actions on the environment is inarguable, the link to new taxes on sport utility vehicles is clearly invalid. Contrary to the belief of some, sport utility vehicles are used for off-road driving by only a very small percentage of owners. The image of all of these vehicles damaging the environment through off-road use is inaccurate. The proposed new tax is, instead, unfairly targeted to penalize a certain segment of the market and take advantage of the popularity of SUVs. In Michigan, people using vehicles for off-road purposes already finance outdoors recreation through a licensing program; and

Whereas, Special purpose taxes that are not based on clear logic and fairness serve to erode public confidence in government. The idea of taxing a certain category of vehicles—used almost entirely in the same manner as automobiles of any size or description—based on misconceptions and inaccuracies is wrong; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to refrain from imposing any special taxes on sport utility vehicles; 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 DeGrow 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 DeGrow moved that the resolution be referred to the Committee on Transportation and Tourism.

The motion prevailed.

Senators Shugars, Young and Miller were named co-sponsors of the resolution.

Senators Stille, Schuette, McManus, Dunaskiss and Bennett offered the following resolution:

Senate Resolution No. 170.

A resolution urging Governor Engler to instruct the Michigan Environmental Science Board to review and analyze hydrogen sulfide emissions into the atmosphere as a result of oil and natural gas exploration and production.

Whereas, Governor Engler has created the Michigan Environmental Science Board to review environmental issues in Michigan; and

Whereas, Oil and natural gas production in Michigan is a growing and important economic industry; and

Whereas, Hydrogen sulfide emission is often a by-product of oil and natural gas production and exposure to high levels of hydrogen sulfide may pose a serious health risk to Michigan residents; and

Whereas, The health and safety of Michigan residents is of paramount importance and assurances for safe usages of our natural resources is essential; now, therefore, be it

Resolved by the Senate, That this legislative body hereby request that Governor Engler instruct the Michigan Environmental Science Board to review and evaluate available data and studies on the health effects on humans of hydrogen sulfide exposure as a result of oil and gas exploration and production; and be it further

Resolved, That the evaluation by the Michigan Environmental Science Board should include factors such as, but not limited to, natural hydrogen sulfide emissions and concentrations, hydrogen sulfide emissions resulting from oil and gas production and transport, duration of exposure by humans and subsequent effects, and variations in susceptibility to hydrogen sulfide among the general population; and be it further

Resolved, That the Michigan Environmental Science Board recommend a range and variance of concentrations of hydrogen sulfide in the ambient air which can be utilized to establish a safe and acceptable public exposure standard; and be it further

Resolved, That a copy of this resolution be transmitted to the office of Governor John Engler, the Michigan Department of Environmental Quality, the Department of Natural Resources, and appropriate representatives of the oil and gas industry in Michigan.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow 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 DeGrow moved that the resolution be referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

The motion prevailed.

Senator Schwarz was named co-sponsor of the resolution.

Senators Emmons, McManus, Rogers, Jaye, Gougeon, Steil, Bennett, Stille, Geake, Bouchard, Posthumus, Gast, Hoffman, DeGrow, Dunaskiss, Schuette, Van Regenmorter, North, Shugars, Bullard, Schwarz and Berryman offered the following resolution:

Senate Resolution No. 171.

A resolution memorializing the Congress of the United States to enact legislation that will sunset the Internal Revenue Code by December 31, 2001, and to develop a replacement tax code.

Whereas, The Internal Revenue Code is beyond repair; and

Whereas, The Internal Revenue Code is the core of the distrust of government the American people feel; and

Whereas, The current tax code is 7 million words, compared to Lincoln's Gettysburg Address of 269 words and the Declaration of Independence, which is 1,337 words; and

Whereas, The IRS's "simplest" return, the EZForm 1040, has 33 pages of instructions, and the IRS Form 1040 has 76 pages of instructions; and

Whereas, Individual taxpayers spend 1.7 billion hours and American business will spend 3.4 billion hours each year simply trying to comply with the tax code. That effort is equivalent to a "staff" of 3 million people working full time, year round, just on taxes; and

Whereas, Taxes are too high, but any steps to lower taxes by modifying the existing tax code would make it even longer and more confusing; and

Whereas, A proposal to abolish the Internal Revenue Code by December 31, 2001, embodies a prudent method and provides adequate time for developing a new tax code; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to abolish the Internal Revenue Code by December 31, 2001, and replace it with a new method of taxation. The new tax code must:

—Lower taxes—to create job opportunities.

—Foster growth—by encouraging work and savings.

—Be fair—for all taxpayers.

—Be simple enough for all taxpayers to understand.

—Be neutral—allowing people, not government to make choices.

—Be visible, so people know the cost of government.

—Be stable, so people can plan for the future.

; and be it further

Resolved, That we request the other states to urge Congress to enact this proposal; 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, to members of the Michigan congressional delegation, and to the legislatures of the other states.

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

Senator DeGrow 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 DeGrow moved that the resolution be referred to the Committee on Finance.

The motion prevailed.

Senator Miller was named co-sponsor of the resolution.

Senators Emmons, McManus, Rogers, Jaye, Gougeon, Steil, Bennett, Stille, Bouchard, Posthumus, Gast, Hoffman, DeGrow, Dunaskiss, Schuette, Van Regenmorter, North, Shugars, Bullard, Schwarz and Berryman offered the following concurrent resolution:

Senate Concurrent Resolution No. 77.

A concurrent resolution memorializing the Congress of the United States to enact legislation that will sunset the Internal Revenue Code by December 31, 2001, and to develop a replacement tax code.

Whereas, The Internal Revenue Code is beyond repair; and

Whereas, The Internal Revenue Code is the core of the distrust of government the American people feel; and

Whereas, The current tax code is 7 million words, compared to Lincoln's Gettysburg Address of 269 words and the Declaration of Independence, which is 1,337 words; and

Whereas, The IRS's "simplest" return, the EZForm 1040, has 33 pages of instructions, and the IRS Form 1040 has 76 pages of instructions; and

Whereas, Individual taxpayers spend 1.7 billion hours and American business will spend 3.4 billion hours each year simply trying to comply with the tax code. That effort is equivalent to a "staff" of 3 million people working full time, year round, just on taxes; and

Whereas, Taxes are too high, but any steps to lower taxes by modifying the existing tax code would make it even longer and more confusing; and

Whereas, A proposal to abolish the Internal Revenue Code by December 31, 2001, embodies a prudent method and provides adequate time for developing a new tax code; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to enact legislation to abolish the Internal Revenue Code by December 31, 2001, and replace it with a new method of taxation. The new tax code must:

- Lower taxes—to create job opportunities.
- Foster growth—by encouraging work and savings.
- Be fair—for all taxpayers.
- Be simple enough for all taxpayers to understand.
- Be neutral—allowing people, not government to make choices.
- Be visible, so people know the cost of government.
- Be stable, so people can plan for the future.

; and be it further

Resolved, That we request the other states to urge Congress to enact this proposal; 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, to members of the Michigan congressional delegation, and to the legislatures of the other states.

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

Senator DeGrow 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 DeGrow moved that the concurrent resolution be referred to the Committee on Finance.

The motion prevailed.

Senators Bullard, Gougeon and Hoffman offered the following resolution:

Senate Resolution No. 172.

A resolution to memorialize the Congress of the United States to increase funding to the Equal Employment Opportunity Commission to handle the backlog of individual cases.

Whereas, Our country is strongly committed to equality of opportunity. An important government body working to put this commitment into action is the Equal Employment Opportunity Commission (EEOC), the nation's leading civil rights enforcement agency; and

Whereas, The EEOC currently has a backlog of 65,000 cases of discrimination to investigate to pursue justice for individual citizens victimized by unfair and illegal practices. The EEOC needs to direct its resources to these individuals, rather than to the pursuit of trying to find new instances of possible problems. It is much more prudent to handle specific cases of discrimination than to direct energies to test employers by using decoy job applicants to look for discriminatory behavior; and

Whereas, The administration's recommendation of increased spending for the EEOC is appropriate if the increased funds are targeted to address the backlog of discrimination cases that need to be investigated. The men and women victimized by discrimination deserve the protection of the EEOC and should not be made to wait longer while resources are directed to less productive activities; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase funding to the Equal Employment Opportunity Commission to handle the backlog of individual cases; 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.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senators Schwarz, Dunaskiss and Miller were named co-sponsors of the resolution.

Senators North, Rogers, Stille and Bullard offered the following resolution:

Senate Resolution No. 176.

A resolution to urge the Natural Resources Commission to change the opening day of the firearms deer hunting season to the second Saturday in November.

Whereas, Deer hunting is important to our state as the prime means of controlling the herd and as one of Michigan's favorite recreation activities. The firearms deer season is also a tradition that, for many, helps define part of Michigan's character; and

Whereas, In recent years, the deer population in our state has generally been considered to be too large in many regions. The increase in the deer population presents problems in agriculture, forestry, and transportation. Our wildlife managers have made significant efforts to address this, including extending hunting opportunities in certain circumstances; and

Whereas, One option to increase hunting opportunities and extend the time of the firearms season more effectively is to set a new starting date of the second Saturday in November. This policy change will ensure that more weekend time is available for hunters. The added convenience will benefit our state in numerous ways; now, therefore, be it

Resolved by the Senate, That we urge the Natural Resources Commission to change the opening day of the firearms deer hunting season to the second Saturday in November; and be it further

Resolved, That a copy of this resolution be transmitted to the Natural Resources Commission.

Pursuant to rule 3.204, the resolution was referred to the Committee on Government Operations.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 79.

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 Lake Michigan College relative to the Lake Michigan College South Campus Center.

Whereas, 1993 PA 19 originally established the Lake Michigan College's (the "College") South Campus Center (the "Facility") at a Total Project Cost of \$4,761,200, of which the State Building Authority (the "Authority") share is \$2,380,500, the College share is \$2,380,600, and the State General Fund/General Purpose share is \$100; and

Whereas, 1997 PA 116 added a second component to the College's South Campus Center project (by including a Financial and Student Services Center at the College's Napier Campus) and increased the Total Project Cost to \$8,761,200, of which the Authority share is \$4,380,500, the College share is \$4,380,600, and the State General Fund/General Purpose share remains \$100; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the College, 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 land owned by the College may be conveyed to the Authority; and

Whereas, The site for the Facility is currently owned by the College and the Facility is now under construction; 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 of Michigan (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 College pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the College has been prepared providing for the leasing of the Facility by the Authority to the State and the College (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 Project Cost of the Lake Michigan College's South Campus Center, consisting of both the Facility and the Financial and Student Services Center at the College's Napier Campus, shall not exceed \$8,761,200, of which the Authority share is \$4,380,500, the College share is \$4,380,600, and the State General Fund/General Purpose share remains \$100; and be it further

Resolved, That the Total Facility Cost shall not exceed \$4,761,200 (the Authority share is \$2,380,500, the State General Fund/General Purpose share is \$100, and the College share is \$2,380,600), plus interest charges on monies advanced, by the State to meet the cash flow requirements of the Facility, if any, of which not more than \$2,380,500, 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 Total Project Cost of the College's Financial and Student Services Center Napier Campus project shall not exceed \$4,000,000, of which the Authority share is \$2,000,000 and the College share is \$2,000,000; 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 the College 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 \$224,000 and \$383,000, 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 among the State, the College, 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 resolution be transmitted to the Governor, the Secretary of State, the Authority, the College, 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 DeGrow 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 DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Young was named co-sponsor of the concurrent resolution.

Senators Gast, Cisky and Gougeon offered the following concurrent resolution:

Senate Concurrent Resolution No. 80.

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 Delta College relative to the Delta College Science and Learning Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of Delta College (the "College"), 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 land owned by the College may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Delta College Science and Learning Center (the "Facility") is currently owned by the College; 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 of Michigan (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 College pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the College has been prepared providing for the leasing of the Facility by the Authority to the State and the College (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 of the Delta College Science and Learning Center shall not exceed \$26,000,000 (the Authority share is \$12,499,900, the State General Fund/General Purpose share is \$100, and the College share is \$13,500,000), 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 \$12,499,900, 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 the College 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 \$1,245,000 and \$2,172,000, 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 among the State, the College, 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 resolution be transmitted to the Governor, the Secretary of State, the Authority, the College, 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 DeGrow 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 DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Young was named co-sponsor of the concurrent resolution.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 81.

A concurrent resolution to change the scope of the Michigan State Police Crime Lab project.

Whereas, The Michigan State Police Crime Lab project was authorized with a total cost of \$17,500,000 in 1996 PA 480; and

Whereas, The Michigan State Police has estimated that the cost to complete the total project for the Crime Lab has increased to \$23,500,000; and

Whereas, The State Building Authority share of the project will be increased from \$17,325,000 to \$23,325,000; and

Whereas, Pursuant to Section 246 of 1984 PA 431, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need and increases the total authorized cost for the Michigan State Police Crime Lab project to an amount not to exceed \$23,500,000 (State Building Authority share \$23,325,000 and the General Fund/General Purpose share \$175,000) and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Michigan State Police.

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

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

The motion prevailed.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 82.

A concurrent resolution approving an amended conveyance of property to the State Building Authority and amending the lease relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Facilities Harrison Campus.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of Mid Michigan Community College (the "College"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of 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 College may be conveyed to the State Building Authority (the "Authority"); and

Whereas, Pursuant to section 7 of 1964 PA 183, as amended, being MCL § 830.417, the Michigan Legislature adopted Senate Concurrent Resolution No. 65 of 1998, with the votes and names of the members voting thereon entered in the journal, and the State of Michigan (the "State") approved the conveyance of land and the form of lease (the "Lease") with the Authority, the State, and the College for the Instructional Classrooms, Laboratories, and Student Services Facilities at the Harrison Campus (the "Facility"); and

Whereas, The form of the Lease contains a legal description of the property to be conveyed from the College to the Authority for the Facility; and

Whereas, An error was made in the preparation of the legal description. The Attorney General advises that the legal description for the Facility should be amended to reflect accurately the property being conveyed; and

Whereas, A corrected legal description of the property being conveyed for the Facility is now available and attached to the lease; and

Whereas, The Executive Director for 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 Legislature hereby approves the necessary conveyance of property relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Facilities Harrison Campus to the Authority as more particularly described in the Lease and amended attachments thereto; and

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the College, 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 DeGrow 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 DeGrow moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 83.

A concurrent resolution to change the scope of the South County Extension Center project at Southwestern Michigan College.

Whereas, The Southwestern Michigan College - South County Extension Center project was authorized with a total cost of \$2,740,000 in 1996 PA 480; and

Whereas, Southwestern Michigan College has estimated that the cost to complete the total project for the South County Extension Center has increased to \$3,100,000; and

Whereas, Southwestern Michigan College has agreed to fund the increase in the project cost of \$360,000, with the state commitment remaining at \$1,370,000; and

Whereas, Pursuant to Section 246 of 1984 PA 431, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need and increases the total authorized cost for the Southwestern Michigan College - South County Extension Center project to an amount not to exceed \$3,100,000 (State Building Authority share \$1,369,900; State General Fund/General Purpose share \$100; Southwestern Michigan College share \$1,730,000), and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and Southwestern Michigan College.

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

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

The motion prevailed.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 84.

A concurrent resolution to change the scope of the Renovation of Building 12 project at the Michigan Biologic Products Institute.

Whereas, The Michigan Biologic Products Institute - Renovation of Building 12 project was authorized with total cost of \$1,800,000 in 1997 PA 114; and

Whereas, The Michigan Biologic Products Institute has estimated that the cost to complete the total project for the Renovation of Building 12 has increased to \$2,620,000; and

Whereas, The Michigan Biologic Products Institute has agreed to fund the increase in the project cost of \$820,000, with the state commitment remaining as \$0; and

Whereas, Pursuant to section 246 of 1984 PA 423, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need and increases the total authorized cost for the Michigan Biologic Products Institute - Renovation of Building 12 project to an amount not to exceed \$2,620,000, funded entirely with federal resources; and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein states, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Michigan Biologic Products Institute.

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

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

The motion prevailed.

House Concurrent Resolution No. 60.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet.

Whereas, In an amazingly short time, the Internet has become a key means of communicating in this country. It is already a prominent vehicle for doing business through selling goods and services and providing information leading to commercial transactions. The business value of selling access to the Internet is in itself a multi-billion dollar enterprise. The growth projections for the Internet and for its impact on commerce are very high; and

Whereas, As with any new aspect of commerce, there are numerous tax implications associated with the Internet. The new technology and capabilities can be used to avoid local taxes. Numerous transactions involve automatic transfers of money for goods and services. Borders and jurisdictions have become far less significant in this new marketplace; and

Whereas, With the rise of the Internet, state and local policymakers have suggested various ways to tax this activity. Some states have explored telecommunications taxes and taxes on Internet service providers. Industry observers are concerned that implementing a "modem tax" could disrupt the development of a new tool for commerce and economic development; and

Whereas, With the complexity of issues involved and the constant changes in this new technology as it takes shape, imposing taxes specific to the Internet would likely be harmful. Any possible gains in revenues would be more than offset by long-term changes in the evolution of the Internet. Greed should not drive policy or taxation decisions; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact legislation to create a moratorium on new national, state, and local taxes on the Internet; 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.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Young, Schwarz and Dunaskiss were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 88.

A concurrent resolution to urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, Lincoln Park, Melvindale, Wayne, and Westland.

Whereas, The communities in the Ecorse Creek basin recently suffered from heavy rains and extensive flooding. The severe flooding caused numerous businesses and schools to close, shut area highways, ruined many basements, and left thousands of people facing serious losses of property. The situation posed a threat to public health through the volume of contaminated water in homes and elsewhere in the affected communities; and

Whereas, In response to the multiple problems facing citizens and businesses, local authorities in the Ecorse Creek basin are working to get state and federal assistance. A key component of any recovery for the lives and property is a declaration of disaster by the Governor. This step can set in motion programs that are needed to help these communities recover from the forces of nature; and

Whereas, Michigan's Emergency Management Act, 1976 PA 390, provides, in MCL § 30.403, that "The governor is responsible for coping with dangers to this state or people of this state presented by a disaster or emergency." The

conditions faced by the people of the Ecorse Creek basin area of southeastern Michigan warrant a declaration of disaster; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Governor to declare a state of disaster for the Ecorse Creek basin communities of Ecorse, Dearborn Heights, Allen Park, Inkster, Taylor, Lincoln Park, Melvindale, Wayne, and Westland if the communities meet the requirements of 1976 PA 390; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Young, Hart, Conroy, Schwarz and Dingell were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 95.

A concurrent resolution to urge the Governor and the Family Independence Agency to apply for an exemption from the federal requirement that Social Security numbers be included in state licensing procedures.

Whereas, In an effort to better coordinate programs to find parents delinquent in child support, the federal government now requires the states to include Social Security numbers on various state licenses. Under the provisions of federal law, states must require Social Security information on applications for marriage, driver's, occupational, and other licenses; and

Whereas, While we strongly support the ultimate goal of this federal mandate—to track down deadbeat parents—the mechanism of Social Security numbers is inappropriate, unfair, and, quite likely, ineffective. The requirement strikes at our fundamental right to privacy. It imposes a burden on the vast majority of people who are not violating child support orders or any other laws. The potential harm that could result in violating privacy rights far exceeds the benefits to be gained. This is especially true in considering more effective methods of tracking down parents delinquent in their moral and legal responsibilities. Better results could likely be obtained by putting more people on the task of finding lawbreakers; and

Whereas, The right to privacy should not be disregarded; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Governor and the Family Independence Agency to apply for an exemption from the federal requirement that Social Security numbers be included in state licensing procedures; and be it further

Resolved, That copies of this resolution be transmitted to the office of the Governor and to the Family Independence Agency.

The House of Representatives has adopted the concurrent resolution.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senators Miller and Young were named co-sponsors of the concurrent resolution.

Statements

Senators V. Smith, Conroy, Shugars, Young and Byrum asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator V. Smith's statement is as follows:

Madam President and members, if you were watching television last night, there was a program on *Dateline*, and that program dealt with the High Plains detention facility in Colorado. Last week, the Family Independence Agency decided to remove 22 juvenile offenders from the High Plains juvenile detention facility in Colorado. The FIA took action after a 13-year-old boy committed suicide at the facility, and the Colorado officials removed 40 of their youths from the facility. The state of Illinois has also taken action to remove the youths that they have had at the High Plains juvenile detention facility in Colorado.

This was a situation waiting to happen. We knew about the potential for problems at High Plains two years ago when I argued against sending Michigan's kids there. In May 1996, I cited an independent study of High Plains done by the state of Illinois and an audit by the Colorado Office of Youth Services that found serious problems with drugs, sexual assaults, and abuse. Unfortunately, my fears over sending youth out of state and to this facility, in particular, have proven true.

State officials abdicated their responsibility when they send those juveniles to Colorado and then forgot about them until the worst happened. I tried to stop this two years ago and offered a plan create a reasonable amount of oversight for out-of-state placement of juvenile offenders, but my Republican colleagues defeated that plan. These juveniles were railroaded out of Michigan to a dangerous facility with no oversight of their well being.

The incident with the High Plains should not have happened. Someone should have acted to stop this before the young boy's suicide, instead of waiting until April to visit High Plains. If we're going to put juvenile offenders into

privately run institutions, then we have to closely monitor what goes on in those facilities. Michigan's juvenile offenders at High Plains will be coming back to Michigan. Before we send the returning juveniles or anyone else out of state, I hope we have learned our lesson.

We need to put a better mechanism into place to evaluate both their needs and the facilities we propose to send these young offenders to. Before we send juveniles to Michigan's privately operated juvenile prison when it opens, we need to make sure that we have the proper oversight mechanisms in place. I offered an oversight plan for juvenile offenders two years ago. I think it is time to revisit that plan and create the oversight that would have prevented this from happening and make our students safer and make Michigan a more responsible state.

Senator Conroy's statement is as follows:

Last week, on the dates of April 14, 15, and 16, I had excused absences from Senate session. Because of my absence, I missed roll call votes. Had I been present for those votes, I would have voted "yea" on roll call numbers 167-200 (Senate Bill Nos. 361, 371, 373, 377, 381, 386, 387, 388, 400, 362, 415, 720, 796, 797, 798, 799, 800, 801, 802, 803, 804, 902, 904, and 1027 and House Bill Nos. 5583 and 5584.)

Senator Shugars' statement is as follows:

Last night, I attended an honors ceremony for Teen Heart. There were over 40 young people who were teenagers who were trained this year by Teen Heart to go in and work with middle school students on the abstinence of sex, alcohol, smoking, and unhealthy lifestyles. They did a number of skits, and they also had a number of these teenagers speaking and sharing some of their experiences. It was very moving to hear these young people share these experiences when they went into these classrooms properly trained to promote healthy lifestyles and abstinence and to hear what some of the responses from some of these young people were and some of the successes they have had.

I wanted to share this with my colleagues because this is a non-profit organization that has been started in the Kalamazoo area. Over nine schools have been implementing this approach to promote abstinence from these unhealthy lifestyles, and I encourage my colleagues to look at it. It does two things. It promotes the commitment of role models of the older teenagers to say that they will abstain. They are also excellent role models for younger people in middle schools. They look up to these people, and it's a very effective method of getting the message out.

Senator Young's statement is as follows:

Today is Earth Day. It is a reminder to us of the importance of our natural resources. Today and every day, we celebrate the great beauty of Michigan's natural resources, but we also need to protect those resources and make sure that the following generations also share in the beauty of this great state.

Just last week, this body passed legislation that would let voters decide to approve a bond program to pay for environmental clean ups and improvements to the state and local parks. The environmental bond is a good idea. Our communities need financial help to clean up our polluted sites. But the Governor's scheme to divert Great Lakes water to communities outside of this state is a bad idea. It is estimated that 3.4 million gallons of water will go to Ohio each day for the next 10 years. That's 365 days times 3.4 million gallons over a 10-year period with a possibility of 4.8 million gallons after that agreement for the next 20 years. And we have to realize that this is outside of the basin. It kind of reminds me that since we like new bumper stickers and we like new license plates, we should say, "Leave Michigan and take the water with you."

The Governor has approved the diversion of water from Lake Erie to the suburbs of Akron, Ohio. John Engler is the first governor in Michigan's history to approve the diversion of Great Lakes water. The Governor says that the diversion will not result in a loss of water, but I don't think that's the point. I think the point is that when a legal precedent is set, when Michigan says "yes" to any water diversion, it opens the door for other diversions.

The Governor made this decision without a public meeting and without broad public knowledge. That is why I introduced Senate Bill No. 1014. My bill would create formal procedures under which Michigan diverts any water. Senate Bill No. 1014 will require the Department of Environmental Quality to issue a public notice of any request to divert water from the Great Lakes basin. I believe this is also the first time that this water has been diverted from the Great Lakes basin. I think we all agree and should share and should work with our neighbors, and we're now talking about out of our so-called neighborhood or our own community—the Great Lakes basin. It would require the DEQ to study the impact of any water diversions and any information on that impact would have to be reported to the Michigan Legislature. I now call on my colleagues to move this legislation as quickly as possible. We need to protect Michigan's most precious resource—the Great Lakes.

Senator Byrum's statement is as follows:

My statement is to draw the attention of my colleagues of an important event that occurred just recently, and that was the birth of a young daughter. This daughter was born to Harry Bell, who is with SIS in the Senate. Morgaine Bennett Bell and Harry Allen Bell III are the proud parents of Cassandra Elaine Bennett Bell. Cassandra was born on March 12, at 5:39 p.m., weighing 8 pounds 12½ ounces and was 21½ inches long. I would request that this important announcement be printed in the Journal so that the Bell family could show this and share this with Cassandra as she gets older and will appreciate that.

Committee Reports

The Committee on Hunting, Fishing and Forestry reported

Senate Bill No. 1052, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license; to provide for the forfeiture of firearms possessed in violation of this act; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; and to repeal all acts and parts of acts inconsistent with the provisions of this act," (MCL 28.421 to 28.434) by adding section 15.

With the recommendation that the bill pass.

David Jaye
Chairperson

To Report Out:

Yeas: Senators Jaye, McManus, Hoffman, Byrum and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Hunting, Fishing and Forestry submits the following:

Meeting held on Thursday, April 16, 1998, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Jaye (C), McManus, Hoffman, Byrum and Dingell

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:16 a.m.

The President, Lieutenant Governor Binsfeld, declared the Senate adjourned until Thursday, April 23, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.