

No. 27

JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 24, 1999.

10:00 a.m.

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

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

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

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

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

Senator Leon Stille of the 32nd District offered the following invocation:

Our gracious God, we come to You this bright, brisk spring morning to ask for Your guidance on our deliberations and decisions. May our work be pleasing to You and in the best interest of all of our citizens of this great state.

We turn to You this morning with the sense of a heavy heart over the prospect of war in the Balkans. With our young men and women being thrust into the midst of a foreign civil battle, we pray for their safety and safe return. Be with their families and the leaders of our country as they deal with this difficult situation. We also pray for a special portion of compassion and caring for the people of Kosovo, Serbia, and Albania. Give them the strength to endure this horrendous event and may we know no matter how bad we think things are or difficult it is to make tough decisions, it pales in comparison to the embattled areas of the world.

Now be with us in our procedure today that our work may be pleasing to You. In Your name we pray. Amen.

Motions and Communications

Senators Leland and Bennett entered the Senate Chamber.

Senator Rogers moved that Senators Schuette and Shugars be temporarily excused from today's session. The motion prevailed.

Senators Vaughn, Schuette and Jaye entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, March 23:
House Bill Nos. 4300 4301

By unanimous consent the Senate proceeded to the order of
Resolutions

Senators V. Smith, Sikkema, Young, Murphy, Cherry and A. Smith entered the Senate Chamber.

House Concurrent Resolution No. 9.

A concurrent resolution to memorialize the Congress of the United States and the Veterans Affairs Administration to prevent the reduction of hospital bed capacity at the Iron Mountain Veterans Administration Medical Care Facility.

Whereas, The veterans who are treated at the Iron Mountain VA Medical Care Facility (VAMCF) have served our country with extreme dedication. They are deserving of our respect and care every day, not just on Veterans Day. We urge administrators and directors at the Veterans Affairs Health Administration to prevent the implementation of a policy that would greatly reduce the level of quality health care services for our veterans, especially in the Upper Peninsula and northern Wisconsin; and

Whereas, The Iron Mountain VA Medical Care Facility covers a patient service area of over 25,000 square miles. Veterans from the Upper Peninsula and northern Wisconsin depend on the full range of services provided by this facility. It is callous to ask veterans suffering from illness to travel approximately 300 miles (Sault Ste. Marie to Iron Mountain) and then another 200 miles (Iron Mountain to Milwaukee) by bus to receive care. This is what the Department of Veterans Affairs is asking of our veterans in the Upper Peninsula. In December of 1998, the VA bus broke down on the way to Milwaukee with 34 veterans who needed care. A second bus was called from Milwaukee to pick up the veterans and it also broke down. This is not a situation that facilitates a return to health; and

Whereas, There is a need for an increase of hospital beds in Iron Mountain, not a decrease. Several years ago, this hospital had approximately 200 beds. The decrease to the current 17 beds far surpasses the national decrease of VA bed utilization and places a tremendous hardship on our veterans and their families; and

Whereas, By providing quality outpatient services to veterans closer to their homes, the quality of care and the number of veterans served has been substantially improved. It does not make sense to reduce services to a facility that is providing much needed and necessary services. It is wrong to force our veterans to travel many hours, in harsh conditions, away from their families, and more appropriate to continue to provide the full range of services our veterans deserve at the Iron Mountain VA Medical Care Facility; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the Veterans Affairs Administration to prevent the reduction of hospital bed capacity at the Iron Mountain Veterans Administration Medical Care Facility; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, Dr. Togo West Jr.,

Secretary, Veteran Health Administration, Dr. Kenneth Kizer, Undersecretary of Health, VA Administration, Dr. Hershel Gober, Deputy Secretary for Health, VA Administration and Dr. J. Cummings, Regional VA Network Director, Department of Veterans Affairs.

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.

Senator Miller entered the Senate Chamber.

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

Senator Rogers 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 Posthumus, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, resumed the Chair.

During the Committee of the Whole, Senator Shugars entered the Senate Chamber.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Rogers moved that consideration of the following joint resolution and bills be postponed for today:

Senate Joint Resolution G

Senate Bill No. 287

Senate Bill No. 390

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 357, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The question being on the passage of the bill,
Senator Dingell offered the following amendment:

1. Amend page 21, following line 6, by inserting:

“FOOD AND DAIRY

Sec. 401. By September 30, 2000, the department shall develop a plan for conducting all restaurant inspection and licensing functions using department employees. The department shall submit the plan, by September 30, 2000 to the senate and house appropriations subcommittees on agriculture, the senate and house standing committees on agriculture, and the senate and house fiscal agencies.”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

Roll Call No. 85

Yeas—37

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
Byrum	Gougeon	Miller	Smith, A.
Cherry	Hammerstrom	Murphy	Smith, V.
DeBeaussaert	Hart	North	Steil

DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Hoffman
Johnson
Koivisto
Leland

Peters
Rogers
Schuette
Schwarz

Stille
Van Regenmorter
Vaughn
Young

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 364, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The question being on the passage of the bill,

Senator Byrum offered the following amendment:

1. Amend page 27, following line 9, by inserting:

“Sec. 220. By March 1, 2000, the department shall prepare a report that identifies the number and dollar amount of grants that have been awarded in the last 4 years that have supported new development in growth that can be characterized as a low density and land consumptive.”.

The question being on the adoption of the amendment,

Senator Byrum requested the yeas and nays.

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

The amendment was not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 86

Yeas—16

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss

Goschka
Gougeon
Hammerstrom
Hoffman

McManus
North
Rogers
Schuette

Shugars
Sikkema
Steil
Stille

Emmons
Gast

Johnson
McCotter

Schwarz

Van Regenmorter

Excused—0

Not Voting—0

In The Chair: President

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

Roll Call No. 87

Yeas—37

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—1

Jaye

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 368, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports and to provide for the disposition of fees and other income received by the judicial branch.

The question being on the passage of the bill,

Senator Jaye offered the following amendment:

1. Amend page 14, following line 13, by inserting:

“Sec. 316. Ten percent of the appropriations under this act shall be placed in a grant known as the “reimbursement accountability grant”. The grant money shall be disbursed to the judicial branch upon certification by the legislative auditor general that the supreme court has taken all steps necessary to guarantee that the following requirements are implemented:

(a) Funds appropriated in part 1 are not used to pay for, or to provide reimbursement for, social functions, including holiday meals, for state employees or members of state boards and commissions.

(b) Reimbursement from funds appropriated in part 1 for meals related to work activities are limited to state employees and state board and commission members.”.

The question being on the adoption of the amendment,

Senator Jaye requested the yeas and nays.

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

The amendment was adopted, a majority of the members serving voting therefor, as follows:

Roll Call No. 88**Yeas—27**

Bennett	Emmons	Koivisto	Schuette
Bullard	Goschka	Leland	Shugars
Byrum	Gougeon	McCotter	Sikkema
Cherry	Hammerstrom	Miller	Van Regenmorter
DeBeaussaert	Hart	Murphy	Vaughn
Dingell	Jaye	Peters	Young
Dunaskiss	Johnson	Rogers	

Nays—10

DeGrow	Hoffman	Schwarz	Smith, V.
Emerson	McManus	Smith, A.	Stille
Gast	North		

Excused—0**Not Voting—1**

Steil

In The Chair: President

The question being on the passage of the bill,

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

Roll Call No. 89**Yeas—38**

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 369, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The question being on the passage of the bill,

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

Roll Call No. 90

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 371, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for certain reports and

the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for the testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The question being on the passage of the bill,

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

Roll Call No. 91

Yeas—38

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

Nays—0

Excused—0

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

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

Senate Bill No. 151

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 68, entitled

A bill to make, supplement, and adjust appropriations for capital outlay, the judiciary, the legislature, and various state departments and agencies for the fiscal year ending September 30, 1999; to make appropriations for community colleges, colleges, and universities; to provide for the expenditure of those appropriations; to create funds and accounts; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; to provide for the disposition of fees and other income received by certain state agencies; and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Byrum offered the following amendments:

1. Amend page 3, line 10, by striking out "9,637,000" and inserting "4,187,000".
2. Amend page 3, line 11, by striking out "9,637,000" and inserting "4,187,000".
3. Amend page 3, line 13, by striking out "9,637,000" and inserting "4,187,000".
4. Amend page 29, line 19, by striking out "\$9,637,000.00" and inserting "\$4,187,000.00" and adjusting the subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendments,

Senator Byrum requested the yeas and nays.

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

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

Roll Call No. 92**Yeas—16**

Byrum
Cherry
DeBeaussaert
Dingell

Emerson
Hart
Jaye
Koivisto

Leland
Miller
Murphy
Peters

Smith, A.
Smith, V.
Vaughn
Young

Nays—22

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Gast

Goschka
Gougeon
Hammerstrom
Hoffman
Johnson
McCotter

McManus
North
Rogers
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Excused—0**Not Voting—0**

In The Chair: President

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

Roll Call No. 93**Yeas—37**

Bennett
Bullard
Byrum
Cherry
DeBeaussaert
DeGrow
Dingell
Dunaskiss
Emerson
Emmons

Gast
Goschka
Gougeon
Hammerstrom
Hart
Hoffman
Johnson
Koivisto
Leland

McCotter
McManus
Miller
Murphy
North
Peters
Rogers
Schuette
Schwarz

Shugars
Sikkema
Smith, A.
Smith, V.
Steil
Stille
Van Regenmorter
Vaughn
Young

Nays—1

Jaye

Excused—0**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

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

Senator Rogers 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 Posthumus, designated Senator Leland as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 79, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

Substitute (S-1).

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

1. Amend page 25, following line 26, by inserting:

“(d) The names, addresses, and a current estimate of the number of individuals affected of the companies, education institutions, and others who will utilize the web-based or other distance learning training formats developed if the funds are utilized for this purpose.”.

The Senate agreed to the substitute, as amended, 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. 366, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2000; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2000; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 29, line 6, by striking out “2,000,000” and inserting “100”.

2. Amend page 29, line 23, by striking out “2,000,000” and inserting “100”.

3. Amend page 42, following line 21, by inserting:

“Sec. 307. The attorney general shall not bring an action, or join in an action, that involves a claim against a firearms manufacturer based on the use of a firearm by an individual that results in an injury to the individual using the firearm or to other persons and or property. This prohibition does not apply to claims involving defective design or manufacturing of the firearm.”.

4. Amend page 50, following line 21, by inserting:

“Sec. 630. The funds appropriated in part 1 shall not be used to pay for health insurance benefits for unmarried domestic partners of legislators or legislative employees.”.

The Senate agreed to the substitute, as amended, 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
Motions and Communications

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

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

Senator Rogers moved that rule 3.901 be suspended to allow the media to film on the Senate floor, including the center aisle.

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

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:58 a.m.

12:07 p.m.

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

During the recess, Senators Steil and Goschka introduced Dr. Rex Rogers, President of Cornerstone College, Coach Kim Elders and the members of the NAIA Division 2 National Champions of men’s college basketball, the Cornerstone Golden Eagles.

Senator Steil presented a tribute to the team and their coach.
Dr. Rogers and Coach Elders spoke briefly.

Recess

Senator Rogers moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 12:09 p.m.

1:22 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

By unanimous consent the Senate returned to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Leland as Chairperson.

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

Senate Bill No. 380, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 7417.

House Bill No. 4013, entitled

A bill to amend 1931 PA 285, entitled “An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,” by amending section 8 (MCL 125.38).

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. 372, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2000; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 10, following line 19, by inserting:

“Local bus operating: unreserved CTF fund balance..... 9,000,000”.

2. Amend page 11, line 1, by striking out “\$144,576,300” and inserting “153,576,300”.

3. Amend page 25, following line 5, by inserting:

“Sec. 332. (1) The department shall implement the new federal regulations contained in 49 C.F.R. parts 23 and 26 pertaining to disadvantaged business enterprises by October 1, 1999.

(2) The department shall not set a disadvantaged business enterprise goal of more than 10% or do more than the minimum of any requirement established under 49 C.F.R. parts 23 and 26.

(3) The department shall immediately decertify all former disadvantaged business enterprises which do not meet new federal eligibility criteria contained in 49 C.F.R. parts 23 and 26.”

4. Amend page 34, line 15, by striking out all of section 606 and inserting:

“Sec. 606. If the department uses manufactured pipe for road construction drainage, the department shall require that the pipe used meet the standards established by the American Society for Testing and Materials (ASTM). The department shall also inspect the pipe pursuant to state standards before the laying of concrete or bituminous paving materials. The department shall provide a quarterly summary of the results of these inspections to the house and senate appropriations subcommittees on transportation and house and senate fiscal agencies.”

5. Amend page 42, line 2, by striking out all of lines 2 through 14 and inserting:

“NORFOLK SOUTHERN CORPORATION

Detroit to Ohio state line via Milan.

Dearborn (CP Townline) to Kalamazoo via Jackson and Battle Creek.

Jackson to Lansing.

Trenton to Toledo.

Jackson to Ackerson Lake.

Ottawa Lake to Ohio state line.

Grand Rapids to Indiana state line via Kalamazoo.

White Pigeon to White Pigeon junction.

Kalamazoo to Portage.

Plainwell to Otsego.

Grand Rapids to Kentwood.

CONSOLIDATED RAIL CORPORATION (JOINTLY OWNED BY NORFOLK SOUTHERN AND CSX)

Detroit to Trenton.

Detroit to Carleton.

Detroit to Utica.

Detroit to Dearborn (CP Townline).”

6. Amend page 49, following line 13, by inserting:

“Sec. 726. No later than December 31, 1999, the department shall complete a financial analysis of the intercity bus equipment program to determine the financial status of current and proposed essential bus corridor routes outlined in section 723 of this bill.”

The Senate agreed to the substitute, as amended, 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. 370, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 14, line 20, by striking out “25,340,300” and inserting “25,350,300”.

2. Amend page 15, line 4, by striking out “16,401,600” and inserting “16,411,600”.

3. Amend page 15, line 10, by striking out “7,051,500” and inserting “7,071,500” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 21, line 16, after “Sec. 210.” by striking out the balance of the section and inserting:

“(1) Funds appropriated in part 1 for permit review shall not be provided to a nongovernmental organization that acquires land for endangered species habitats.

(2) As of September 30, 2000, funds appropriated in part 1 for inventories and/or data base maintenance of the Michigan natural features inventory shall not be provided to a nongovernmental organization that purchases land for the purpose of protecting endangered species habitat.

(3) These prohibitions do not apply to universities or other educational institutions.”.

5. Amend page 30, following line 21, by inserting:

LAW ENFORCEMENT

Sec. 1200. Of the funds appropriated in section 111 for general law enforcement, \$10,000.00 shall be allocated to provide a reward for information leading to the arrest and conviction of a person or persons responsible for the murder of a licensed hunter while in the act of legal hunting.”.

The Senate agreed to the substitute, as amended, 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. 361, entitled

A bill to make appropriations for the departments of consumer and industry services, career development, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2000; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Substitute (S-1).

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

1. Amend page 33, following line 2, by inserting:

“Sec. 325. The department shall report by November 1, 1999 to the legislature and the fiscal agencies the status of the nursing home complaint investigation backlog and any suggested revisions to current statute or promulgated rules that will assist in improving the effectiveness of the nursing home survey and complaint investigation process.”.

The Senate agreed to the substitute, as amended, 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. 365, entitled

A bill to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

Substitute (S-1).

The following are the amendments to the substitute recommended by the Committee of the Whole:

1. Amend page 9, line 12, by striking out “352,031,800” and inserting “331,231,800”.

2. Amend page 10, line 1, by striking out “1,230,139,200” and inserting “1,209,339,200” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 37, line 5, by striking out all of section 622.

4. Amend page 37, following line 7, by inserting:

“Sec. 623. (1) From the funds appropriated in section 109, the department shall not in whole or in part provide funds for a residence that includes a convicted sex offender as a member of the household.

(2) If a convicted sex offender is currently residing with a family that receives state cash assistance, he or she must vacate that residence within 30 days of the effective date of this bill.

Sec. 624. (1) The department shall ensure that all family independence agency clients are informed in writing of additional programs for which they may potentially be eligible. Notification of programs should at a minimum include information on transitional Medicaid, LIF Medicaid, Healthy Kids, and MICHild, transitional child day care services, extended payment plans with positive billing utility companies as negotiated under section 603(3) of this bill including emergency assistance with utility arrearages, tax credits available to low income households, opportunities for skills development, training and education, training programs administered by the state jobs commission or its successor, and instructions on the application process for each program benefit.

(2) At the client’s discretion, the department shall grant an exit interview to discuss issues pertaining to self-sufficiency including all of the information outlined in subsection (1). Clients shall be notified of their right to an exit interview.”.

The Senate agreed to the substitute, as amended, 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:

Senate Bill No. 178, entitled

A bill to amend 1927 PA 150, entitled "An act to prescribe a privilege tax for the use of the public highways by owners and drivers of motor vehicles by imposing a specific tax upon the sale or use, within the state of Michigan, of motor fuel; to prescribe the manner and the time of paying this tax and the duties of officials and others respecting the payment and collection of this tax; to provide for the licensing of wholesale distributors, certain retail dealers, exporters, and suppliers as defined in this act; to fix a time when this tax and interest and penalties thereon become a lien upon the property of persons, firms, partnerships, associations, or corporations, subject to the payment of this tax; to provide for the enforcement of this lien; to permit the inspection and testing of petroleum products; to provide for certain exemptions and refunds and for the disposition of the proceeds of this tax; and to prescribe penalties for the violation of this act," by amending section 12 (MCL 207.112), as amended by 1996 PA 56.

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

1. Amend page 6, line 1, by striking out all of subsection (4) and renumbering the remaining subsection.

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 amendment, the following bill:

House Bill No. 4011, entitled

A bill to amend 1905 PA 157, entitled "An act to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for a board of commissioners to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; and to provide the powers and duties of certain local units of government and certain officials," by amending section 6 (MCL 41.426), as added by 1989 PA 79.

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

1. Amend page 3, following line 15, by inserting:

"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 336 of the 90th Legislature is enacted into law."

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.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following messages from the Governor were received and read:

March 23, 1999

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Elevator Safety Board

Mr. Andre G. Schirk, 93175 Five Mile Road, Battle Creek, Michigan 49014, county of Calhoun, as a member representing elevator constructor unions, succeeding Mr. Douglas O. Hansen of Grass Lake, who has died, for a term expiring on July 22, 2001.

March 23, 1999

There is herewith presented for consideration and confirmation by the Senate, the following reappointment to office:

Michigan Forest Finance Authority

Mr. Ronald D. Demlow, 4204 W. Blanchard Road, Blanchard, Michigan 49310, county of Isabella, as a member representing the general public, succeeding himself, for a term expiring on July 24, 2001.

March 23, 1999

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

Local Government Claims Review Board

Mr. John D. Pirich, 1063 Rosewood Avenue, East Lansing, Michigan 48823, county of Ingham, as a member representing the general public, succeeding Mr. Mark A. Murray of Lansing, who has resigned, for a term expiring on March 26, 2001.

The Honorable Nancy L. Crandall, 3981 Norton Hills, Muskegon, Michigan 49441, county of Muskegon, as a member representing local government, succeeding herself, for a term expiring on March 26, 2002.

Mr. A. Thomas Clay, 1195 Haslett Road, Williamston, Michigan 48895, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on March 26, 2002.

Mr. Jack Horton, 1625 S. Parnell Avenue, N.E., Lowell, Michigan 49331, county of Kent, as a member representing local governments, succeeding Mr. Kenneth P. Frankland of East Lansing, whose term has expired, for a term expiring on March 26, 2002.

Mr. Stanley D. Steinborn, 997 Longfellow, East Lansing, Michigan 48823, county of Ingham, as Chair, succeeding Mr. Mark A. Murray of Lansing as Chair, who has resigned, for a term expiring on March 26, 2000.

Sincerely,
John Engler
Governor

The appointments were referred to Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Resolutions

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

Senate Resolution No. 37

Senate Resolution No. 38

The resolution consent calendar was adopted.

Senator Schwarz offered the following resolution:

Senate Resolution No. 37.

A resolution of tribute to Ernie Harwell.

Whereas, The members of the Michigan Senate offer this resolution to recognize the lifetime achievement of legendary Detroit Tigers broadcaster Ernie Harwell; and

Whereas, Opening Day 1999 will mark his 51st year calling major league baseball action, a career started in radio in 1940 as a nightly sports commentator, pausing to serve a four-year tour of duty as a United States Marine in World War II. Ernie Harwell resumed his career by broadcasting games for the Atlanta Cracker baseball club. On August 4, 1948, at Ebbets Field in Brooklyn, history was made at his first major league broadcast with the Brooklyn Dodgers—the first coast-to-coast telecast of a major sporting event. After two seasons with the Dodgers, he moved on to play-by-play work for the Giants and Orioles before coming to Detroit in 1960; and

Whereas, Mr. Harwell's style has made him a popular favorite during his nearly 40 years as the voice of the Detroit Tigers, both in radio play-by-play action from 1960-1991 and Tigers television from 1993-1997. Citing the Detroit Tigers' World Series victories in 1968 and 1984 as career highlights, he shares his infectious enthusiasm for baseball with fans worldwide. It is felicitous that he will mark history once again as the 1999 season broadcasts signal the final games at Tiger Stadium. Furthermore, he is contracted to open the year 2000 season in the new Tigers' ballpark; and

Whereas, Other notable events in baseball history include calling the action for Bobby Thompson's historic playoff homer in 1951, being the voice of the first American League Championship Series in 1969 on CBS Radio, and national broadcasts of three World Series and two All-Star Games; and

Whereas, Ernie Harwell received the 1981 Ford C. Frick Award, presented by the Baseball Hall of Fame for baseball broadcasting excellence; and

Whereas, He was named to the National Sportscasters Hall of Fame in 1989 by a unanimous vote, the same year he was inducted into the Michigan Sports Hall of Fame; and

Whereas, His sports broadcasting involvement outside baseball includes The Master's Golf Tournament in Atlanta, football credits that embody coverage of the New York Giants, Baltimore Colts, and Brooklyn Dodgers pro clubs, and Yale University, Pittsburgh, Boston College, Fordham, Georgia Tech, and Michigan State University on the collegiate level; and

Whereas, Mr. Harwell is acclaimed as an author of several books on the great game of baseball. As a chronicler of history, he shares his memories with the world in his 1994 book entitled, *The Babe Signed My Shoe; Baseball as It Was—and Will Always Be; Tales of the Grand Ole Game*; and

Whereas, Mr. Harwell is also an accomplished songwriter, having more than 50 pieces recorded by popular artists; and

Whereas, The institution of Ernie Harwell and Opening Day at Tiger Stadium are Michigan's official "Spring Opener"; now, therefore, be it

Resolved by the Senate, That a wholehearted accolade of tribute be hereby accorded to commemorate the lifetime achievement of sportscaster Ernie Harwell; and be it further

Resolved, That a copy of this resolution be presented to Ernie Harwell at the final Opening Day at Tiger Stadium at the corner of Michigan and Trumbull on April 12, 1999, to show our deep appreciation for his talents and his historic stature in Michigan sports broadcasting.

Senator Rogers moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

Senators Miller, Vaughn, Peters, McCotter, Young, Murphy, Schwarz, V. Smith, Hart and Leland offered the following resolution:

Senate Resolution No. 38.

A resolution commemorating the 1998-99 season of the University of Detroit Mercy Men's Basketball Team.

Whereas, It is a pleasure and a privilege to salute the 1998-99 University of Detroit Mercy Men's Basketball Team on their 25-6 record, capturing the Midwestern Collegiate Conference regular season and tournament championship. The team should also be commended for their stellar performance in defeating UCLA in the National Collegiate Athletic Association men's basketball tournament in the first round of action. This accomplishment once again demonstrates that the Titans are the big team from the small school. The Titans have advanced to the NCAA tournament for their second straight year, and clearly, there could be no finer testimony to the true strength of the University of Detroit Mercy basketball program; and

Whereas, The University of Detroit Mercy and the citizens of Michigan are extremely proud of the Titan players and all that they have accomplished both academically and athletically, and they are to be honored for all of their achievements. Head Coach Perry Watson and his able staff are to be congratulated for their dedication, inspiration, and leadership that they have portrayed to their players not only on the court, but also in the classroom. We are proud to commend these true student athletes and their coaches and support staff:

Jermaine Jackson, Captain	Bacari Alexander, Co-Captain
Darius Belin	Walter Craft
Desmond Ferguson	Brandon Gray
Michael Jordan	Rashad Phillips
Julian Van Dyke	Paul Whiting
Daniel Whye	Perry Watson, Head Coach
David Greer, Associate Head Coach	Mickey Barrett, Assistant Coach
Michael Jackson, Assistant Coach	

; and

Whereas, The 1998-99 season provided many highlights in terms of memorable athletic achievements; the University of Detroit Mercy also has an outstanding tradition of academic excellence. The 6,700 students enrolled at the University of Detroit Mercy are attending Michigan's largest Catholic university, which is headed by President Sister Maureen Fay. This university has provided an environment in which students have grown to understand their social, leadership, and service responsibilities; and

Whereas, The University of Detroit Mercy has enjoyed the many gestures of support from individuals, businesses, and the entire state of Michigan, as they have captured the imagination and pride of all who support this wonderful organization. Clearly, the admiration held for these fine young student athletes includes just as much affection for their great athletic skills as it does for their ambassadorship for the community. This fact was further punctuated by the statistic that the University of Detroit Mercy has more players from their home state than any other team who participated in the National Collegiate Athletic Association men's basketball tournament; now, therefore, be it

Resolved by the Senate, That the members of this legislative body dedicate and honor the outstanding season of the 1998-99 University of Detroit Mercy Men's Basketball Team as these talented athletes have earned the admiration of their families and all who follow basketball in this state and country; and be it further

Resolved, That a copy of this resolution be transmitted to the University of Detroit Mercy, their coaching staff, and players as a reflection of our esteem.

House Concurrent Resolution No. 16.

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 Superior State University relative to the Lake Superior State University Crawford Hall Addition and Remodeling.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Lake Superior State University (the "Educational Institution"), 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 Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Crawford Hall Addition and Remodeling (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 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 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 House of Representatives (the Senate concurring), That the Total Facility Cost of the Lake Superior State University Crawford Hall Addition and Remodeling shall not exceed \$23,000,000 (the Authority share is \$17,249,900, the State General Fund/General Purpose share is \$100 and the Educational Institution share is \$5,750,000), 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 \$17,249,900, 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 Educational Institution 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 \$1,714,000 and \$2,911,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount 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 Educational Institution, 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 State Building Authority, the State Budget Director, and officials of Lake Superior State University.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

House Concurrent Resolution No. 17.

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 Montcalm Community College relative to the Montcalm Community College Vocational/Technical Facility.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Montcalm Community College (the "Educational Institution"), 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 Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Vocational/Technical Facility (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 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 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 House of Representatives (the Senate concurring), That the Total Facility Cost for the Montcalm Community College Vocational/Technical Facility shall not exceed \$11,400,000 (the Authority share is \$5,699,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$5,700,000), 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 \$5,699,900, 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 Educational Institution 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 \$555,000 and \$928,000, 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 Educational Institution, 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 State Building Authority, the State Budget Director, and officials of Montcalm Community College.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

House Concurrent Resolution No. 18.

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 Education, Michigan School for the Deaf and Blind Residential Facilities.

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 (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site of the Michigan School for the Deaf and Blind Residential Facilities located in Genesee County (the "Facility") 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 House of Representatives (the Senate concurring), That the Total Facility Cost for the Michigan School for the Deaf and Blind Residential Facilities shall not exceed \$1,500,000, 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 \$1,485,000, 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 \$138,000 and \$227,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount 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 State Building Authority, and the State Budget Director.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

House Concurrent Resolution No. 19.

A concurrent resolution to change the scope of the Department of Corrections Secure Level I Correctional Facility at St. Louis, the nine 240 Open Bay Level I and II housing units at existing facilities, and the three 120 Closed Cell Level IV housing units at existing facilities projects.

Whereas, The Secure Level I Correctional Facility at St. Louis project was authorized with a total cost of \$30,000,000 in 1998 PA 273; and

Whereas, The nine 240 bed Open Bay Level I and II housing units at existing facilities project was authorized with a total cost of \$63,600,000 in 1998 PA 273; and

Whereas, The three 120 Closed Cell Level IV housing units at existing facilities project was authorized with a total cost of \$22,400,000 in 1998 PA 273; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the Secure Level I Correctional Facility at St. Louis has decreased to \$25,000,000; and

Whereas, The State Building Authority share of the Secure Level I Correctional Facility at St. Louis project will be decreased from \$29,700,000 to \$24,700,000; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the nine 240 bed Open Bay Level I and II housing units at existing facilities has increased to \$64,500,000; and

Whereas, The State Building Authority share of the nine 240 bed Open Bay Level I and II housing units at existing facilities project will be increased from \$62,964,000 to \$63,864,000; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the three 120 Closed Cell Level IV housing units at existing facilities project has increased to \$26,500,000; and

Whereas, The State Building Authority share of the three 120 Closed Cell Level IV housing units at existing facilities project will be increased from \$22,176,000 to \$26,276,000; 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 House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to reduce the total authorized cost for the Secure Level I Correctional Facility at St. Louis project to an amount not to exceed \$25,000,000 (State Building Authority share \$24,700,000 and State General Fund/General Purpose share \$300,000); to increase the total authorized cost for the nine 240 bed Open Bay Level I and II housing units at existing facilities to an amount not to exceed \$64,500,000 (State Building Authority share \$63,864,000 and State General Fund/General Purpose share \$636,000); and to increase the total authorized cost for the three 120 Closed Cell Level IV housing units at existing facilities project to an amount not to exceed \$26,500,000 (State Building Authority share \$26,276,000 and State General Fund/General Purpose share \$224,000) 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 Department of Corrections.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

House Concurrent Resolution No. 21.

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 Michigan Technological University relative to the Michigan Technological University Performing Arts and Education Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Michigan Technological University (the "Educational Institution"), 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 Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Performing Arts and Education Center (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 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 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 House of Representatives (the Senate concurring), That the Total Facility Cost of the Michigan Technological University Performing Arts and Education Center shall not exceed \$20,000,000 (the Authority share is \$4,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$15,000,000), 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 \$4,999,900, 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 the Educational Institution 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 \$487,000 and \$814,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount 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 Educational Institution, 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 State Building Authority, the State Budget Director, and officials of Michigan Technological University.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

House Concurrent Resolution No. 22.

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 Kirtland Community College relative to the Kirtland Community College Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Kirtland Community College (the "Educational Institution"), 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 Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions (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 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 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 House of Representatives (the Senate concurring), That the Total Facility Cost of the Kirtland Community College Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions shall not exceed \$7,234,000 (the Authority share is \$3,616,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$3,617,000), 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 \$3,616,900, 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 Educational Institution 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 \$335,000 and \$554,000, 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 Educational Institution, 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 State Building Authority, the State Budget Director, and officials of Kirtland Community College.

The House of Representatives has adopted the concurrent resolution.

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

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

The motion prevailed.

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

Introduction and Referral of Bills

Senator Gougeon introduced

Senate Bill No. 466, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4r.

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

Senator Gougeon introduced

Senate Bill No. 467, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4p.

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

Senators Rogers, Johnson and Hammerstrom introduced

Senate Bill No. 468, entitled

A bill to amend 1968 PA 289, entitled "An act to authorize circuit court judges to grant immunity to witnesses upon application of the prosecuting attorneys; to prescribe the procedures therefor; and to prescribe penalties for refusal to testify and for giving false testimony," by amending the title and sections 1, 2, and 3 (MCL 780.701, 780.702, and 780.703) and by adding section 2a.

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

Senators Rogers, Johnson and Hammerstrom introduced

Senate Bill No. 469, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 6 and 19b of chapter VII (MCL 767.6 and 767.19b).

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

Senators Johnson, Rogers and Hammerstrom introduced

Senate Bill No. 470, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 125, 157, 446, 453, and 461 (MCL 750.125, 750.157, 750.446, 750.453, and 750.461); and to repeal acts and parts of acts.

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

Senators Johnson, Rogers and Hammerstrom introduced

Senate Bill No. 471, entitled

A bill to amend 1941 PA 207, entitled "Fire prevention code," by amending section 7 (MCL 29.7).
The bill was read a first and second time by title and referred to the Committee on Judiciary.

Senators Rogers and Steil introduced

Senate Bill No. 472, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811d.
The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senators Rogers, Steil, Bullard, Bennett, Shugars and Hammerstrom introduced

Senate Bill No. 473, entitled

A bill to prohibit certain activities by electric utilities; to require certain educational programs; to require billing disclosures by electric utilities; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and civil sanctions and provide remedies.

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

Senators Rogers, Steil, Bullard, Bennett, Shugars and Hammerstrom introduced

Senate Bill No. 474, entitled

A bill to prohibit the switching of a customer's electric supplier without the customer's authorization; to prescribe the powers and duties of certain state agencies and officials; and to provide penalties and other remedies.

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

Senators Rogers, Steil, Bullard, Bennett, Shugars and Hammerstrom introduced

Senate Bill No. 475, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34a (MCL 791.234a), as amended by 1998 PA 315.

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

Senators Rogers, Steil and Shugars introduced

Senate Bill No. 476, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), sections 520b and 520c as amended by 1983 PA 158 and sections 520d and 520e as amended by 1996 PA 155.

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

Senator Koivisto introduced

Senate Bill No. 477, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 217, 903, and 1023 (MCL 436.1217, 436.1903, and 436.2023), section 903 as amended by 1998 PA 416.

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

Senator Koivisto introduced

Senate Bill No. 478, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 7, 9, 17, and 20 (MCL 431.307, 431.309, 431.317, and 431.320), section 17 as amended by 1998 PA 408 and section 20 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.

Senator Rogers introduced

Senate Bill No. 479, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 29 (MCL 421.29), as amended by 1995 PA 25.

The bill was read a first and second time by title and referred to the Committee on Human Resources, Labor, Senior Citizens and Veterans Affairs.

Senator Koivisto introduced

Senate Bill No. 480, entitled

A bill to license and regulate the conducting of video gaming; to license and regulate certain video gaming agents; to impose certain duties and authority upon certain state departments, agencies, and officers; to provide for the distribution of video gaming revenues; and to provide penalties.

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

Senators Rogers, Shugars, Goschka and Hammerstrom introduced

Senate Bill No. 481, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 273 (MCL 206.273), as added by 1988 PA 516.

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

Senators Bennett, Shugars and Johnson introduced

Senate Bill No. 482, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 801 (MCL 257.801), as amended by 1998 PA 384.

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

Senators Bennett, Hammerstrom, McCotter, Shugars, Young, Johnson, Steil and Byrum introduced

Senate Bill No. 483, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1997 PA 86; 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 Finance.

House Bill No. 4300, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The House of Representatives has passed the bill.

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

House Bill No. 4301, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2000; to provide for the expenditure of the appropriations; to prescribe the powers

and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The House of Representatives has passed the bill.

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

Statements

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

The motion prevailed.

Senator Emmons' statement is as follows:

There were some very foolish people in Chicago who alleged that instead of the Big Ten, we were the "Mediocre Eleven." And I think the record should show that two of the Big Ten teams are now in the Final Four. Since Michigan State has had such an outstanding year, I predict that they will be National Champions. Go Green!

Scheduled Meeting

Gaming and Casino Oversight Committee - Thursday, March 25, at 9:45 a.m., Room 405, Capitol Building (3-1707).

Senator Rogers moved that the Senate adjourn.

The motion prevailed, the time being 3:27 p.m.

The President, Lieutenant Governor Posthumus, declared the Senate adjourned until Thursday, March 25, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

