

No. 78
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House of Representatives
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House Chamber, Lansing, Wednesday, October 31, 2001.

2:00 p.m.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Adamini—present	Garza—present	Lipsey—present	Sanborn—present
Allen—present	George—present	Lockwood—present	Schauer—present
Anderson—present	Gielegem—present	Mans—present	Schermesser—present
Basham—present	Gilbert—present	McConico—present	Scranton—present
Bernero—present	Godchaux—excused	Mead—present	Shackleton—present
Birkholz—present	Gosselin—present	Meyer—present	Sheltrown—present
Bisbee—present	Hager—present	Middaugh—present	Shulman—present
Bishop—present	Hale—present	Minore—present	Spade—present
Bogardus—present	Hansen—present	Mortimer—present	Stallworth—excused
Bovin—present	Hardman—present	Murphy—present	Stamas—present
Bradstreet—present	Hart—present	Neumann—present	Stewart—present
Brown, Bob—present	Howell—present	Newell—present	Switalski—present
Brown, Cameron—present	Hummel—present	O’Neil—present	Tabor—present
Brown, Rich—present	Jacobs—present	Pappageorge—present	Thomas—present
Callahan—present	Jamnack—present	Patterson—present	Toy—present
Cassis—present	Jansen—present	Pestka—present	Vander Roest—present
Caul—present	Jelinek—present	Phillips—present	Vander Veen—present
Clark—present	Johnson, Rick—present	Plakas—present	Van Woerkom—present
Clarke—excused	Johnson, Ruth—present	Pumford—present	Vear—present
Daniels—present	Julian—present	Quarles—present	Voorhees—present
Dennis—present	Kilpatrick—present	Raczkowski—present	Waters—present
DeRossett—present	Koetje—present	Reeves—present	Whitmer—present
DeVuyst—present	Kolb—present	Richardville—present	Williams—present
DeWeese—present	Kooiman—present	Richner—present	Wojno—present
Drolet—present	Kowall—present	Rison—present	Woodward—present
Ehardt—present	Kuipers—present	Rivet—present	Woronchak—present
Faunce—present	LaSata—present	Rocca—present	Zelenko—present
Frank—present	Lemmons—present		

e/d/s = entered during session

Rep. Gloria Schermesser, from the 25th District, offered the following invocation:

“Lord, we ask that You take special care to look after the survivors of the September attack on America. We ask that You guide us throughout our great country to ensure that freedom reigns clearly. We also pray that You will guide this esteemed House of Representatives to remember that we serve all of the citizens of this great state. Amen.”

Rep. Jacobs moved that Reps. Clarke and Stallworth be excused from today’s session.
The motion prevailed.

Rep. Vander Roest moved that Rep. Godchaux be excused from today’s session.
The motion prevailed.

Rep. Vander Roest moved that Rep. DeVuyst be excused temporarily from today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 5146, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20155 (MCL 333.20155), as amended by 2000 PA 171.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 561

Yeas—106

Adamini	George	Lockwood	Sanborn
Allen	Gielegem	Mans	Schauer
Anderson	Gilbert	McConico	Schermesser
Basham	Gosselin	Mead	Scranton
Bernero	Hager	Meyer	Shackleton
Birkholz	Hale	Middaugh	Sheltrown
Bisbee	Hansen	Minore	Shulman
Bishop	Hardman	Mortimer	Spade
Bogardus	Hart	Murphy	Stamas
Bovin	Howell	Neumann	Stewart
Bradstreet	Hummel	Newell	Switalski
Brown, B.	Jacobs	O’Neil	Tabor
Brown, C.	Jamnick	Pappageorge	Thomas
Brown, R.	Jansen	Patterson	Toy
Callahan	Jelinek	Pestka	Van Woerkom
Cassis	Johnson, Rick	Phillips	Vander Roest
Caul	Johnson, Ruth	Plakas	Vander Veen
Clark, I.	Julian	Pumford	Vear
Daniels	Kilpatrick	Quarles	Voorhees
Dennis	Koetje	Raczkowski	Waters
DeRossett	Kolb	Reeves	Whitmer
DeWeese	Kooiman	Richardville	Williams
Drolet	Kowall	Richner	Wojno
Ehardt	Kuipers	Rison	Woodward
Faunce	LaSata	Rivet	Woronchak
Frank	Lemmons	Rocca	Zelenko
Garza	Lipsey		

Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4937, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43532 (MCL 324.43532), as amended by 1996 PA 585.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 562**Yeas—105**

Adamini	Garza	Lemmons	Rivet
Allen	George	Lipsey	Rocca
Anderson	Gielegem	Lockwood	Sanborn
Basham	Gilbert	Mans	Schauer
Bernero	Gosselin	McConico	Schermesser
Birkholz	Hager	Mead	Scranton
Bisbee	Hale	Meyer	Shackleton
Bishop	Hansen	Middaugh	Sheltrown
Bogardus	Hardman	Minore	Shulman
Bovin	Hart	Mortimer	Spade
Bradstreet	Howell	Murphy	Stamas
Brown, B.	Hummel	Neumann	Stewart
Brown, C.	Jacobs	Newell	Switalski
Brown, R.	Jamnick	O'Neil	Tabor
Callahan	Jansen	Pappageorge	Thomas
Cassis	Jelinek	Patterson	Toy
Caul	Johnson, Rick	Pestka	Vander Veen
Clark, I.	Johnson, Ruth	Phillips	Vear
Daniels	Julian	Plakas	Voorhees
Dennis	Kilpatrick	Pumford	Waters
DeRossett	Koetje	Quarles	Whitmer
DeVuyst	Kolb	Raczkowski	Williams
DeWeese	Kooiman	Reeves	Wojno
Drolet	Kowall	Richardville	Woodward
Ehardt	Kuipers	Richner	Woronchak
Faunce	LaSata	Rison	Zelenko
Frank			

Nays—1

Vander Roest

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 5279, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV and section 9a of chapter X (MCL 764.15b and 770.9a), section 15b of chapter IV as amended by 1999 PA 269 and section 9a of chapter X as amended by 1994 PA 195.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 563**Yeas—105**

Adamini	George	Lipsey	Sanborn
Allen	Gielegem	Lockwood	Schauer
Anderson	Gilbert	Mans	Schermesser
Basham	Gosselin	Mead	Scranton
Bernero	Hager	Meyer	Shackleton
Birkholz	Hale	Middaugh	Sheltrown
Bisbee	Hansen	Minore	Shulman
Bishop	Hardman	Mortimer	Spade
Bogardus	Hart	Murphy	Stamas
Bovin	Howell	Neumann	Stewart
Bradstreet	Hummel	Newell	Switalski
Brown, B.	Jacobs	O'Neil	Tabor
Brown, C.	Jamnick	Pappageorge	Thomas
Brown, R.	Jansen	Patterson	Toy
Callahan	Jelinek	Pestka	Van Woerkom
Cassis	Johnson, Rick	Phillips	Vander Roest
Caul	Johnson, Ruth	Plakas	Vander Veen
Clark, I.	Julian	Pumford	Vear
Daniels	Kilpatrick	Quarles	Voorhees
Dennis	Koetje	Raczkowski	Waters
DeRossett	Kolb	Reeves	Whitmer
DeVuyst	Kooiman	Richardville	Williams
DeWeese	Kowall	Richner	Wojno
Drolet	Kuipers	Rison	Woodward
Ehardt	LaSata	Rivet	Woronchak
Faunce	Lemmons	Rocca	Zelenko
Garza			

Nays—0

In The Chair: Birkholz

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 9c and 15a of chapter IV, section 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

The motion prevailed.

The House agreed to the title as amended.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Vander Roest moved that Rep. Ehardt be excused temporarily from today's session.

The motion prevailed.

House Bill No. 5152, entitled

A bill to amend 1996 PA 354, entitled “Savings bank act,” (MCL 487.3101 to 487.3804) by adding section 706a. Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 564

Yeas—106

Adamini	George	Lockwood	Sanborn
Allen	Gielegem	Mans	Schauer
Anderson	Gilbert	McConico	Schermesser
Basham	Gosselin	Mead	Scranton
Bernero	Hager	Meyer	Shackleton
Birkholz	Hale	Middaugh	Sheltrown
Bisbee	Hansen	Minore	Shulman
Bishop	Hardman	Mortimer	Spade
Bogardus	Hart	Murphy	Stamas
Bovin	Howell	Neumann	Stewart
Bradstreet	Hummel	Newell	Switalski
Brown, B.	Jacobs	O’Neil	Tabor
Brown, C.	Jamnack	Pappageorge	Thomas
Brown, R.	Jansen	Patterson	Toy
Callahan	Jelinek	Pestka	Van Woerkom
Cassis	Johnson, Rick	Phillips	Vander Roest
Caul	Johnson, Ruth	Plakas	Vander Veen
Clark, I.	Julian	Pumford	Vear
Daniels	Kilpatrick	Quarles	Voorhees
Dennis	Koetje	Raczkowski	Waters
DeRossett	Kolb	Reeves	Whitmer
DeVuyst	Kooiman	Richardville	Williams
DeWeese	Kowall	Richner	Wojno
Drolet	Kuipers	Rison	Woodward
Faunce	LaSata	Rivet	Woronchak
Frank	Lemmons	Rocca	Zelenko
Garza	Lipsey		

Nays—0

In The Chair: Birkholz

The House agreed to the title of the bill.
 Rep. Middaugh moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4859, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7411 (MCL 333.7411), as amended by 1993 PA 169.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 565

Yeas—74

Allen	Frank	Mans	Schauer
Anderson	George	Mead	Schermesser
Basham	Gilbert	Meyer	Scranton

Bernero	Gosselin	Middaugh	Sheltrown
Birkholz	Hager	Mortimer	Shulman
Bisbee	Hart	Neumann	Spade
Bovin	Howell	Newell	Stamas
Bradstreet	Hummel	O'Neil	Stewart
Brown, B.	Jansen	Pappageorge	Switalski
Brown, C.	Jelinek	Patterson	Tabor
Brown, R.	Johnson, Rick	Pestka	Toy
Callahan	Johnson, Ruth	Pumford	Van Woerkom
Cassis	Julian	Rackowski	Vander Roest
Caul	Koetje	Richardville	Vander Veen
DeRossett	Kooiman	Richner	Vear
DeVuyst	Kowall	Rivet	Voorhees
DeWeese	Kuipers	Rocca	Wojno
Ehardt	LaSata	Sanborn	Woronchak
Faunce	Lemmons		

Nays—33

Adamini	Hale	Lockwood	Rison
Bishop	Hansen	McConico	Shackleton
Bogardus	Hardman	Minore	Thomas
Clark, I.	Jacobs	Murphy	Waters
Daniels	Jamnick	Phillips	Whitmer
Dennis	Kilpatrick	Plakas	Williams
Drolet	Kolb	Quarles	Woodward
Garza	Lipsey	Reeves	Zelenko
Gielegem			

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Reps. Adamini, Williams, Jacobs, Thomas, Lipsey, Bogardus, Whitmer, McConico, Dennis, Clark, Jamnick, Minore and Lockwood, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB 4859 because the bill goes against the intent behind section 7411 of the Public Health Code. This section gives persons arrested for first time low level drug offenses the opportunity to go through counseling and come away from the court without a conviction and a sealed record. The intent behind this statute is to allow those individuals the opportunity to gain employment and to continue their lives without the stigma of a criminal record.

HB 4859 will give the Department of Corrections and Law Enforcement Agencies the ability to use these sealed records against individuals applying for employment, thereby creating a prejudice against persons the legislature and court system attempted to help.”

Rep. Kolb, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House: I voted no on HB 4859 because the bill goes against the intent behind section 7411 of the Public Health Code. This section gives persons arrested for first time low level drug offenses the opportunity to go through counseling and come away from the court without a conviction and a sealed record. HB 4859 will give the Department of Corrections and Law Enforcement Agencies the ability to use these sealed records against

individuals applying for employment, thereby creating a prejudice against persons the legislature and court system attempted to help. Furthermore, the Department of Corrections (DOC) has policies in place to require arrested employees to report such arrests to personnel department. Upon notification, DOC implements an investigation separate and apart from that conducted by law enforcement. Based upon their findings, DOC uses the information to discipline, generally terminate their employees. This bill is unnecessary. One of the problems with DOC's current practices is the ability to terminate for arrests. Even if it is determined that there is no evidence to move forward with a criminal case and the charges are dismissed, the separate investigation by the Department may still result in an individual's termination. The Department argues that they do not use the reasonable doubt burden of proof as is used in criminal cases but the preponderance of evidence standard set forth in civil proceedings. Due to the disparate amount of minority individuals who are arrested and then released, this policy already could have a detrimental impact on DOC's minority guard population. We would only compound this problem by giving DOC carte blanche access to non-public criminal records, that do not amount to convictions. The DOC indicated that in the Correction's subcommittee that they do not have a problem with officers providing drugs to inmates, if this is not a problem, why the need for this bill. For these reasons, stated above, I cannot vote for this legislation."

Second Reading of Bills

House Bill No. 5009, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Family and Children Services (for amendment, see House Journal No. 74, p. 2178),

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

Rep. Middaugh moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5083, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 2217.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Education,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Spade moved to amend the bill as follows:

1. Amend page 2, line 21, after "DISABILITIES" by inserting a comma and "AND THEIR DIFFERENCES".

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

Rep. Woronchak moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5085, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1180.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Education,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Tabor moved to amend the bill as follows:

1. Amend page 3, following line 2, by inserting:

"(4) AS USED IN THIS SECTION, "EDUCATION EVALUATOR" MEANS APPROPRIATE SCHOOL PERSONNEL, INCLUDING CERTIFIED SCHOOL PSYCHOLOGISTS, APPROVED SCHOOL SOCIAL WORKERS, APPROVED OR CERTIFIED SPEECH PATHOLOGISTS, SCHOOL NURSES, AND SCHOOL COUNSELORS."

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

Rep. Ruth Johnson moved to amend the bill as follows:

1. Amend page 2, line 23, after "(1)." by inserting "IF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OPERATES OR PROVIDES EDUCATIONAL SERVICES FOR PUPILS IN A RESIDENTIAL CARE FACILITY FOR COURT-PLACED CHILDREN, THE LOCAL POLICY MAY EXCLUDE OR EXEMPT THAT FACILITY AND CHILDREN AND TEACHERS IN THAT FACILITY."

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

Rep. Vander Roest moved to amend the bill as follows:

1. Amend page 2, following line 27, by inserting:

“(3) IF THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY DETERMINES THAT A TEACHER HAS VIOLATED A LOCAL POLICY UNDER SUBSECTION (2) WITH RESPECT TO A MATTER DESCRIBED IN SUBSECTION (1) (B), THE BOARD OR BOARD OF DIRECTORS SHALL ENSURE THAT A NOTE DESCRIBING THE VIOLATION IS PLACED AND MAINTAINED IN THE TEACHER’S PERSONNEL FILE.” and renumbering the remaining subsection.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Tabor moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5086, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9171.

The bill was read a second time.

Rep. George moved to substitute (H-1) the bill.

The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. George moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5087, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 2 (MCL 722.622), as amended by 2000 PA 45.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Family and Children Services,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Hart moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 4195, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21723.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Senior Health, Security and Retirement,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Gielegem moved to amend the bill as follows:

1. Amend page 2, following line 3, by inserting:

“(4) TO ASSIST THE INDIVIDUAL DESCRIBED IN SUBSECTION (2) IN PERFORMING HIS OR HER DUTIES, THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES SHALL POST ON ITS INTERNET WEBSITE ALL OF THE FOLLOWING INFORMATION:

(A) LINKS TO FEDERAL AND STATE REGULATIONS AND RULES GOVERNING THE NURSING HOME INDUSTRY.

(B) THE SCHEDULING OF ANY TRAINING OR JOINT TRAINING SESSIONS CONCERNING NURSING HOME OR ELDERLY CARE ISSUES BEING PUT ON BY THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(C) A LIST OF LONG-TERM CARE CONTACT PHONE NUMBERS INCLUDING, BUT NOT LIMITED TO, THE CONSUMER AND INDUSTRY SERVICES 24 HOUR HOT-LINE, THE CONSUMER AND INDUSTRY SERVICES NURSING HOME LICENSING DIVISION, ANY COMMONLY KNOWN NURSING HOME PROVIDER GROUPS, THE STATE LONG-TERM CARE OMBUDSMAN, AND ANY COMMONLY KNOWN NURSING HOME PATIENT CARE ADVOCACY GROUPS.

(D) INFORMATION ON THE AVAILABILITY OF ELECTRONIC MAIL ACCESS TO FILE A COMPLAINT CONCERNING NURSING HOME VIOLATIONS DIRECTLY WITH THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES.

(E) ANY OTHER INFORMATION THAT THE DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES BELIEVES IS HELPFUL IN RESPONDING TO COMPLAINTS, REQUESTS, AND INQUIRIES OF A NURSING HOME RESIDENT OR HIS OR HER SURROGATE DECISION MAKER.”

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

Rep. Patterson moved to amend the bill as follows:

1. Amend page 2, following line 3, following subsection (4), by inserting:

“(5) A NURSING HOME RECEIVING REIMBURSEMENT PURSUANT TO TITLE 19, MEDICAID, SHALL DESIGNATE 1 OR MORE CURRENT EMPLOYEES TO FULFILL THE DUTIES AND RESPONSIBILITIES OUTLINED IN THIS SECTION. THIS SECTION SHALL NOT CONSTITUTE A BASIS FOR INCREASING NURSING HOME STAFFING LEVELS.”.

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

Rep. Patterson moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4626, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding sections 11108a, 11131, and 11153.

(The bill was received from the Senate on October 25, with substitute (S-3), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 29, see House Journal No. 75, p. 2201.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

Rep. Basham moved to amend the Senate substitute (S-3) as follows:

1. Amend page 9, following line 15, by inserting:

“SEC. 11108A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A MUNICIPALITY MAY IMPOSE AN IMPACT FEE OF NOT MORE THAN 5 CENTS PER GALLON ON HAZARDOUS WASTE THAT IS DISPOSED OF IN A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL LOCATED WITHIN THE MUNICIPALITY. HOWEVER, IF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL IS LOCATED WITHIN A VILLAGE, THE IMPACT FEE PROVIDED FOR IN THIS SUBSECTION SHALL BE IMPOSED BY THE TOWNSHIP IN AGREEMENT WITH THE VILLAGE. THE IMPACT FEE SHALL BE ASSESSED UNIFORMLY ON ALL HAZARDOUS WASTE ACCEPTED FOR DISPOSAL.

(2) A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL TO ESTABLISH A HIGHER IMPACT FEE THAN THE IMPACT FEE PROVIDED FOR IN SUBSECTION (1).

(3) THE IMPACT FEE IMPOSED UNDER THIS SECTION SHALL BE COLLECTED BY THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL AND SHALL BE PAID TO THE MUNICIPALITY QUARTERLY BY THE THIRTIETH DAY AFTER THE END OF EACH CALENDAR QUARTER. HOWEVER, THE IMPACT FEE ALLOWED TO BE ASSESSED TO EACH MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THIS SECTION SHALL BE REDUCED BY ANY AMOUNT OF REVENUE PAID TO OR AVAILABLE TO THE MUNICIPALITY FROM THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THE TERMS OF ANY PREEXISTING AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, CONTRACTS, SPECIAL USE PERMIT CONDITIONS, COURT SETTLEMENT AGREEMENT CONDITIONS, AND TRUSTS.

(4) UNLESS A TRUST FUND IS ESTABLISHED BY A MUNICIPALITY PURSUANT TO SUBSECTION (5), THE REVENUE COLLECTED BY A MUNICIPALITY UNDER SUBSECTION (1) SHALL BE DEPOSITED IN ITS GENERAL FUND TO BE USED FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(5) THE MUNICIPALITY MAY ESTABLISH A TRUST FUND TO RECEIVE REVENUE COLLECTED PURSUANT TO THIS SECTION. THE TRUST FUND SHALL BE ADMINISTERED BY A BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY CREATING THE TRUST FUND.

(B) AN INDIVIDUAL FROM THE MUNICIPALITY APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(C) AN INDIVIDUAL APPROVED BY THE OWNERS OR OPERATORS OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS WITHIN THE MUNICIPALITY AND APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(6) INDIVIDUALS APPOINTED TO SERVE ON THE BOARD OF TRUSTEES UNDER SUBSECTION (5)(B) AND (C) SHALL SERVE FOR TERMS OF 2 YEARS.

(7) MONEY IN THE TRUST FUND MAY BE EXPENDED, PURSUANT TO A MAJORITY VOTE OF THE BOARD OF TRUSTEES, FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(8) AS USED IN THIS SECTION, "MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL" MEANS THAT TERM AS IT IS DEFINED IN SECTION 62506A."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Ruth Johnson moved to amend the Senate substitute (S-3) as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"SEC. 5419. (1) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL IMPLEMENT AN ARSENIC TESTING PROGRAM. THE ARSENIC TESTING PROGRAM SHALL PROVIDE FREE TESTING OF PRIVATE DRINKING WATER WELLS FOR THE PRESENCE OF ARSENIC IN GEOGRAPHIC AREAS OF THE STATE WHERE THE DEPARTMENT KNOWS OR SUSPECTS THAT THERE ARE HIGH LEVELS OF ARSENIC.

(2) IN PROMOTING FREE DRINKING WATER TESTS UNDER THE ARSENIC TESTING PROGRAM, THE DEPARTMENT SHALL ENCOURAGE HOUSEHOLDS CONTAINING SENIOR CITIZENS, CHILDREN, AND INDIVIDUALS WITH MEDICAL ILLNESSES TO HAVE THEIR DRINKING WATER TESTED.

(3) AFTER THE DEPARTMENT CONDUCTS A TEST ON THE LEVEL OF ARSENIC IN WATER FROM A DRINKING WATER WELL, THE DEPARTMENT SHALL NOTIFY THE RESIDENT OR RESIDENTS OF THE HOUSEHOLD OF THE LEVEL OF ARSENIC IN THE DRINKING WATER SAMPLE AND WHETHER THAT LEVEL EXCEEDS THE FEDERAL DRINKING WATER STANDARD FOR ARSENIC. IN ADDITION TO THE RESULTS OF THE ARSENIC TEST, THE DEPARTMENT SHALL PROVIDE THE RESIDENT OR RESIDENTS WITH EDUCATIONAL MATERIALS ABOUT GROUNDWATER CONTAMINATION AND SHALL IDENTIFY OTHER SUBSTANCES THAT THE RESIDENT OR RESIDENTS MAY WANT TO CONSIDER HAVING THE DRINKING WATER TESTED FOR.

(4) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL ESTABLISH AN ARSENIC EDUCATION PROGRAM THAT WILL PRODUCE EDUCATIONAL MATERIALS TO BE MADE AVAILABLE TO LOCAL HEALTH DEPARTMENTS IN GEOGRAPHIC AREAS OF THE STATE THAT THE DEPARTMENT KNOWS TO CONTAIN LEVELS OF ARSENIC ABOVE THE NEW FEDERAL DRINKING WATER STANDARD. IN ADDITION, THE DEPARTMENT SHALL MAKE THIS INFORMATION AVAILABLE ON THE DEPARTMENT WEBSITE.

(5) BY OCTOBER 1, 2002, THE DEPARTMENT SHALL, BASED UPON DATA AVAILABLE TO THE DEPARTMENT AND IN CONJUNCTION WITH LOCAL HEALTH DEPARTMENTS, PRODUCE MAPS ON A COUNTY BY COUNTY BASIS TO DENOTE GEOGRAPHIC AREAS THAT THE DEPARTMENT KNOWS TO CONTAIN ARSENIC, NITRATES, OR VOLATILE ORGANIC COMPOUNDS. THE MAPS SHALL BE AVAILABLE TO LOCAL HEALTH DEPARTMENTS AND LOCAL PUBLIC LIBRARIES AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE.

(6) BY MARCH 15, 2002 AND SEPTEMBER 30, 2002, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE ON THE STATUS OF THE IMPLEMENTATION OF THIS SECTION.

(7) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(8) AS USED IN THIS SECTION:

(A) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS IT IS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.

(B) "FEDERAL DRINKING WATER STANDARD FOR ARSENIC" MEANS THE STANDARD PROMULGATED UNDER SECTION 1412 OF PART B OF TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, 42 U.S.C. 300g-1, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT."

2. Amend page 9, following line 15, by inserting:

“(E) NOT MORE THAN \$500,000.00 TO IMPLEMENT SECTION 5419.”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. DeVuyst moved to reconsider the vote by which the House adopted the amendments offered by Rep. Ruth Johnson, The motion prevailed, a majority of the members present voting therefor.

The question being on the adoption of the amendments offered previously by Rep. Ruth Johnson, Rep. Ruth Johnson withdrew the amendments.

Rep. Basham moved to reconsider the vote by which the House did not adopt the amendment offered previously by Rep. Basham,

The question being on the motion made by Rep. Basham,

Rep. Basham demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Basham,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 566

Yeas—45

Adamini	Dennis	McConico	Schermesser
Anderson	Garza	Meyer	Sheltrown
Basham	Gielegem	Minore	Spade
Bernero	Hale	Murphy	Switalski
Bogardus	Hansen	Neumann	Thomas
Bovin	Jacobs	O’Neil	Waters
Brown, B.	Jamnick	Pestka	Whitmer
Brown, R.	Kolb	Phillips	Williams
Callahan	Lipsey	Plakas	Wojno
Caul	Lockwood	Rison	Woodward
Clark, I.	Mans	Rivet	Zelenko
Daniels			

Nays—50

Allen	Gosselin	LaSata	Scranton
Birkholz	Hager	Mead	Shackleton
Bisbee	Hart	Middaugh	Shulman
Bishop	Howell	Mortimer	Stamas
Brown, C.	Hummel	Newell	Stewart
Cassis	Jansen	Pappageorge	Tabor
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Julian	Richardville	Vander Veen
Drolet	Koetje	Richner	Vear
Ehardt	Kooiman	Rocca	Voorhees
Faunce	Kowall	Sanborn	Woronchak
Gilbert	Kuipers		

In The Chair: Birkholz

Rep. Ruth Johnson moved to amend the Senate substitute (S-3) as follows:

1. Amend page 1, following “THE PEOPLE OF THE STATE OF MICHIGAN ENACT:” by inserting:

“SEC. 5419. (1) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL IMPLEMENT AN

ARSENIC TESTING PROGRAM. THE ARSENIC TESTING PROGRAM SHALL PROVIDE FREE TESTING OF PRIVATE DRINKING WATER WELLS FOR THE PRESENCE OF ARSENIC IN GEOGRAPHIC AREAS OF THE STATE WHERE THE DEPARTMENT KNOWS OR SUSPECTS THAT THERE ARE HIGH LEVELS OF ARSENIC.

(2) IN PROMOTING FREE DRINKING WATER TESTS UNDER THE ARSENIC TESTING PROGRAM, THE DEPARTMENT SHALL ENCOURAGE HOUSEHOLDS CONTAINING SENIOR CITIZENS, CHILDREN, AND INDIVIDUALS WITH MEDICAL ILLNESSES TO HAVE THEIR DRINKING WATER TESTED.

(3) AFTER THE DEPARTMENT CONDUCTS A TEST ON THE LEVEL OF ARSENIC IN WATER FROM A DRINKING WATER WELL, THE DEPARTMENT SHALL NOTIFY THE RESIDENT OR RESIDENTS OF THE HOUSEHOLD OF THE LEVEL OF ARSENIC IN THE DRINKING WATER SAMPLE AND WHETHER THAT LEVEL EXCEEDS THE FEDERAL DRINKING WATER STANDARD FOR ARSENIC. IN ADDITION TO THE RESULTS OF THE ARSENIC TEST, THE DEPARTMENT SHALL PROVIDE THE RESIDENT OR RESIDENTS WITH EDUCATIONAL MATERIALS ABOUT GROUNDWATER CONTAMINATION AND SHALL IDENTIFY OTHER SUBSTANCES THAT THE RESIDENT OR RESIDENTS MAY WANT TO CONSIDER HAVING THE DRINKING WATER TESTED FOR.

(4) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL ESTABLISH AN ARSENIC EDUCATION PROGRAM THAT WILL PRODUCE EDUCATIONAL MATERIALS TO BE MADE AVAILABLE TO LOCAL HEALTH DEPARTMENTS IN GEOGRAPHIC AREAS OF THE STATE THAT THE DEPARTMENT KNOWS TO CONTAIN LEVELS OF ARSENIC ABOVE THE NEW FEDERAL DRINKING WATER STANDARD. IN ADDITION, THE DEPARTMENT SHALL MAKE THIS INFORMATION AVAILABLE ON THE DEPARTMENT WEBSITE.

(5) BY OCTOBER 1, 2002, THE DEPARTMENT SHALL, BASED UPON DATA AVAILABLE TO THE DEPARTMENT AND IN CONJUNCTION WITH LOCAL HEALTH DEPARTMENTS, PRODUCE MAPS ON A COUNTY BY COUNTY BASIS TO DENOTE GEOGRAPHIC AREAS THAT THE DEPARTMENT KNOWS TO CONTAIN ARSENIC, NITRATES, OR VOLATILE ORGANIC COMPOUNDS. THE MAPS SHALL BE AVAILABLE TO LOCAL HEALTH DEPARTMENTS AND LOCAL PUBLIC LIBRARIES AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE.

(6) BY MARCH 15, 2002 AND SEPTEMBER 30, 2002, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE ON THE STATUS OF THE IMPLEMENTATION OF THIS SECTION.

(7) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(8) AS USED IN THIS SECTION:

(A) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS IT IS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.

(B) "FEDERAL DRINKING WATER STANDARD FOR ARSENIC" MEANS THE STANDARD PROMULGATED UNDER SECTION 1412 OF PART B OF TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, 42 U.S.C. 300g-1, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT."

2. Amend page 9, following line 15, by inserting:

"(E) NOT MORE THAN \$500,000.00 TO IMPLEMENT SECTION 5419."

3. Amend page 32, following line 6, by inserting:

"Enacting Section 1. Section 5419 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5419 is repealed effective December 31, 2002."

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Scranton moved that Rep. LaSata be excused from the balance of today's session.
The motion prevailed.

Rep. Basham moved to amend the Senate substitute (S-3) as follows:

1. Amend page 9, following line 15, by inserting:

"SEC. 11108A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A MUNICIPALITY MAY IMPOSE AN IMPACT FEE OF NOT MORE THAN 5 CENTS PER GALLON ON HAZARDOUS WASTE THAT IS DISPOSED OF IN A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL LOCATED WITHIN THE MUNICIPALITY. HOWEVER, IF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL IS LOCATED WITHIN A VILLAGE, THE IMPACT FEE PROVIDED FOR IN THIS SUBSECTION SHALL BE IMPOSED BY THE TOWNSHIP IN AGREEMENT WITH THE VILLAGE. THE IMPACT FEE SHALL BE ASSESSED UNIFORMLY ON ALL HAZARDOUS WASTE ACCEPTED FOR DISPOSAL.

(2) A MUNICIPALITY MAY ENTER INTO AN AGREEMENT WITH THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL TO ESTABLISH A HIGHER IMPACT FEE THAN THE IMPACT FEE PROVIDED FOR IN SUBSECTION (1).

(3) THE IMPACT FEE IMPOSED UNDER THIS SECTION SHALL BE COLLECTED BY THE OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL AND SHALL BE PAID TO THE MUNICIPALITY QUARTERLY BY THE THIRTIETH DAY AFTER THE END OF EACH CALENDAR QUARTER. HOWEVER, THE IMPACT FEE ALLOWED TO BE ASSESSED TO EACH MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THIS SECTION SHALL BE REDUCED BY ANY AMOUNT OF REVENUE PAID TO OR AVAILABLE TO THE MUNICIPALITY FROM THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL UNDER THE TERMS OF ANY PREEXISTING AGREEMENTS, INCLUDING, BUT NOT LIMITED TO, CONTRACTS, SPECIAL USE PERMIT CONDITIONS, COURT SETTLEMENT AGREEMENT CONDITIONS, AND TRUSTS.

(4) UNLESS A FUND IS ESTABLISHED BY A MUNICIPALITY PURSUANT TO SUBSECTION (5), THE REVENUE COLLECTED BY A MUNICIPALITY UNDER SUBSECTION (1) SHALL BE DEPOSITED IN ITS GENERAL FUND TO BE USED FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(5) THE MUNICIPALITY MAY ESTABLISH A TRUST FUND TO RECEIVE REVENUE COLLECTED PURSUANT TO THIS SECTION. THE TRUST FUND SHALL BE ADMINISTERED BY A BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL CONSIST OF THE FOLLOWING MEMBERS:

(A) THE CHIEF ELECTED OFFICIAL OF THE MUNICIPALITY CREATING THE TRUST FUND.

(B) AN INDIVIDUAL FROM THE MUNICIPALITY APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(C) AN INDIVIDUAL APPROVED BY THE OWNERS OR OPERATORS OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELLS WITHIN THE MUNICIPALITY AND APPOINTED BY THE GOVERNING BOARD OF THE MUNICIPALITY.

(6) INDIVIDUALS APPOINTED TO SERVE ON THE BOARD OF TRUSTEES UNDER SUBSECTION (5)(B) AND (C) SHALL SERVE FOR TERMS OF 2 YEARS.

(7) MONEY IN THE TRUST FUND MAY BE EXPENDED, PURSUANT TO A MAJORITY VOTE OF THE BOARD OF TRUSTEES, FOR ANY PURPOSE THAT PROMOTES THE PUBLIC HEALTH, SAFETY, OR WELFARE OF THE CITIZENS OF THE MUNICIPALITY. HOWEVER, REVENUE COLLECTED PURSUANT TO THIS SECTION SHALL NOT BE USED TO BRING OR SUPPORT A LAWSUIT OR OTHER LEGAL ACTION AGAINST AN OWNER OR OPERATOR OF A MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL WHO IS COLLECTING AN IMPACT FEE PURSUANT TO SUBSECTION (3) UNLESS THE OWNER OR OPERATOR OF THE MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL HAS INSTITUTED A LAWSUIT OR OTHER LEGAL ACTION AGAINST THE MUNICIPALITY.

(8) AS USED IN THIS SECTION, "MULTISOURCE COMMERCIAL HAZARDOUS WASTE DISPOSAL WELL" MEANS THAT TERM AS IT IS DEFINED IN SECTION 62506A."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 567

Yeas—70

Allen	Gilbert	Lemmons	Sanborn
Anderson	Gosselin	Mans	Scranton
Basham	Hager	Mead	Shackleton
Birkholz	Hansen	Meyer	Sheltrown
Bisbee	Hart	Middaugh	Shulman
Bishop	Howell	Mortimer	Spade
Bovin	Hummel	Newell	Stamas

Bradstreet	Jamnick	O'Neil	Stewart
Brown, B.	Jansen	Pappageorge	Switalski
Brown, C.	Jelinek	Patterson	Tabor
Caul	Johnson, Rick	Pestka	Toy
DeRossett	Johnson, Ruth	Pumford	Vander Roest
DeVuyst	Julian	Rackowski	Vear
DeWeese	Kilpatrick	Richardville	Voorhees
Drolet	Koetje	Richner	Whitmer
Ehardt	Kooiman	Rivet	Woodward
Faunce	Kowall	Rocca	Woronchak
Garza	Kuipers		

Nays—3

Bogardus Callahan Murphy

In The Chair: Birkholz

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding sections 5419 and 11153; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

Second Reading of Bills

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Shulman moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Frank moved to amend the bill as follows:

1. Amend page 4, line 6, after "made" by striking out "EXCLUDING" and inserting "INCLUDING".

The question being on the adoption of the amendment offered by Rep. Frank,

Rep. Frank demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Frank,

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

Roll Call No. 568**Yeas—49**

Adamini	Garza	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser
Basham	Hale	Minore	Sheltrown
Bernero	Hansen	Murphy	Spade
Bogardus	Hardman	Neumann	Switalski
Bovin	Jacobs	O'Neil	Thomas
Brown, B.	Jamnick	Pestka	Waters
Brown, R.	Kilpatrick	Phillips	Whitmer
Callahan	Kolb	Plakas	Williams
Clark, I.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood	Rivet	Zelenko
Frank			

Nays—56

Allen	George	Kowall	Sanborn
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Hummel	Newell	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Raczkowski	Vander Veen
Drolet	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak

In The Chair: Birkholz

Rep. Whitmer moved to amend the bill as follows:

1. Amend page 8, following line 14, by inserting:

“(4) THE DEPARTMENT SHALL PROVIDE EACH YEAR, NOT LATER THAN FEBRUARY 15, AN ANNUAL REPORT ON RESTRICTED FUND BALANCES AND EXPENDITURES. THE REPORT SHALL BE PROVIDED TO THE MEMBERS OF THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES AND THE HOUSE AND SENATE FISCAL AGENCIES. THE REPORT SHALL INCLUDE THE CONFIRMED RESTRICTED FUND BALANCES, REVENUES, RECEIPTS, AND EXPENDITURES FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.”

The question being on the adoption of the amendment offered by Rep. Whitmer,

Rep. Whitmer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Whitmer,

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

Roll Call No. 569**Yeas—50**

Adamini	Garza	McConico	Schauer
Anderson	Gielegem	Minore	Schermesser
Basham	Hale	Murphy	Sheltrown

Bernero	Hansen	Neumann	Spade
Bogardus	Hardman	O'Neil	Switalski
Bovin	Jacobs	Pestka	Thomas
Brown, B.	Jamnick	Phillips	Waters
Brown, R.	Kilpatrick	Plakas	Whitmer
Callahan	Kolb	Quarles	Williams
Clark, I.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood	Rivet	Zelenko
Frank	Mans		

Nays—56

Allen	George	Kowall	Sanborn
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Hummel	Newell	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Rackowski	Vander Veen
Drolet	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Koiman	Rocca	Woronchak

In The Chair: Birkholz

Rep. Frank moved to amend the bill as follows:

1. Amend page 4, line 16, after "exceed" by striking out "\$200,000,000.00" and inserting "\$50,000,000.00".

The question being on the adoption of the amendment offered by Rep. Frank,

Rep. Frank demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Frank,

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

Roll Call No. 570**Yeas—49**

Adamini	Garza	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser
Basham	Hale	Minore	Sheltrown
Bernero	Hansen	Murphy	Spade
Bogardus	Hardman	Neumann	Switalski
Bovin	Jacobs	O'Neil	Thomas
Brown, B.	Jamnick	Pestka	Waters
Brown, R.	Kilpatrick	Phillips	Whitmer
Callahan	Kolb	Plakas	Williams
Clark, I.	Lemmons	Quarles	Wojno
Daniels	Lipsey	Reeves	Woodward
Dennis	Lockwood	Rivet	Zelenko
Frank			

Nays—56

Allen	George	Kowall	Sanborn
Birkholz	Gilbert	Kuipers	Scranton
Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Hummel	Newell	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Raczkowski	Vander Veen
Drolet	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak

In The Chair: Birkholz

Rep. Switalski moved to amend the bill as follows:

1. Amend page 8, following line 14, by inserting:

“(4) IN ADDITION TO SUBSECTION (12), FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2002 ONLY, THE STATE BUDGET DIRECTOR, BEFORE THE FINAL ACCOUNTING OF STATE REVENUES AND EXPENDITURES IS COMPLETED, SHALL CALCULATE THE AMOUNT OF FUNDS THAT WILL BE NECESSARY TO FUND MEDICAL SERVICES AT THE LEVEL APPROPRIATED IN ACT NO. 60 OF THE PUBLIC ACTS OF 2001. THE STATE BUDGET DIRECTOR SHALL PROVIDE A REPORT TO THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES AND THE HOUSE AND SENATE FISCAL AGENCIES OF THIS CALCULATION AS SOON AS IT IS COMPLETED. BASED ON THIS CALCULATION, THERE IS APPROPRIATED FROM THE FUND TO THE GENERAL FUND THE AMOUNT CALCULATED BY THE STATE BUDGET DIRECTOR, NOT TO EXCEED \$100,000,000.00.”

The question being on the adoption of the amendment offered by Rep. Switalski,

Rep. Switalski demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Switalski,

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

Roll Call No. 571**Yeas—50**

Adamini	Garza	McConico	Schauer
Anderson	Gielegem	Minore	Schermesser
Basham	Hale	Murphy	Sheltrown
Bernero	Hansen	Neumann	Spade
Bogardus	Hardman	O’Neil	Switalski
Bovin	Jacobs	Pestka	Thomas
Brown, B.	Jamnick	Phillips	Waters
Brown, R.	Kilpatrick	Plakas	Whitmer
Callahan	Kolb	Quarles	Williams
Clark, I.	Lemmons	Reeves	Wojno
Daniels	Lipsey	Rison	Woodward
Dennis	Lockwood	Rivet	Zelenko
Frank	Mans		

Nays—56

Allen	George	Kowall	Sanborn
Birkholz	Gilbert	Kuipers	Scranton

Bisbee	Gosselin	Mead	Shackleton
Bishop	Hager	Meyer	Shulman
Bradstreet	Hart	Middaugh	Stamas
Brown, C.	Howell	Mortimer	Stewart
Cassis	Hummel	Newell	Tabor
Caul	Jansen	Pappageorge	Toy
DeRossett	Jelinek	Patterson	Van Woerkom
DeVuyst	Johnson, Rick	Pumford	Vander Roest
DeWeese	Johnson, Ruth	Rackowski	Vander Veen
Drolet	Julian	Richardville	Vear
Ehardt	Koetje	Richner	Voorhees
Faunce	Kooiman	Rocca	Woronchak

In The Chair: Birkholz

Rep. Middaugh moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Middaugh moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

Senate Bill No. 671, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 572

Yeas—106

Adamini	Garza	Lockwood	Sanborn
Allen	George	Mans	Schauer
Anderson	Gielegem	McConico	Schermesser
Basham	Gilbert	Mead	Scranton
Bernero	Gosselin	Meyer	Shackleton
Birkholz	Hager	Middaugh	Sheltrown
Bisbee	Hale	Minore	Shulman
Bishop	Hansen	Mortimer	Spade
Bogardus	Hardman	Murphy	Stamas
Bovin	Hart	Neumann	Stewart
Bradstreet	Howell	Newell	Switalski
Brown, B.	Hummel	O'Neil	Tabor
Brown, C.	Jacobs	Pappageorge	Thomas
Brown, R.	Jamnack	Patterson	Toy
Callahan	Jansen	Pestka	Van Woerkom
Cassis	Jelinek	Phillips	Vander Roest
Caul	Johnson, Rick	Plakas	Vander Veen
Clark, I.	Johnson, Ruth	Pumford	Vear
Daniels	Julian	Quarles	Voorhees
Dennis	Kilpatrick	Rackowski	Waters
DeRossett	Koetje	Reeves	Whitmer
DeVuyst	Kolb	Richardville	Williams
DeWeese	Kooiman	Richner	Wojno
Drolet	Kowall	Rison	Woodward

Ehardt
Faunce
Frank

Kuipers
Lemmons
Lipsev

Rivet
Rocca

Woronchak
Zelenko

Nays—0

In The Chair: Birkholz

The question being on agreeing to the title of the bill,

Rep. Patterson moved to amend the title to read as follows:

A bill to amend 1984 PA 431, entitled "An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112, and by adding section 397.

The motion prevailed.

The House agreed to the title as amended.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Second Reading of Bills

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Conservation and Outdoor Recreation,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Vear moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Middaugh moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5026, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231a (MCL 750.231a).

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 573

Yeas—79

Adamini
Allen
Anderson

Faunce
Frank
George

Mans
Mead
Meyer

Schermesser
Scranton
Shackleton

Basham	Gielegem	Middaugh	Sheltrown
Birkholz	Gilbert	Mortimer	Shulman
Bisbee	Gosselin	Neumann	Spade
Bishop	Hager	Newell	Stamas
Bovin	Hart	O'Neil	Stewart
Bradstreet	Howell	Pappageorge	Switalski
Brown, B.	Hummel	Patterson	Tabor
Brown, C.	Jansen	Pestka	Toy
Brown, R.	Jelinek	Plakas	Van Woerkom
Callahan	Johnson, Rick	Pumford	Vander Roest
Cassis	Johnson, Ruth	Rackowski	Vander Veen
Caul	Julian	Richardville	Vear
DeRossett	Koetje	Richner	Voorhees
DeVuyst	Kooiman	Rivet	Wojno
DeWeese	Kowall	Rocca	Woodward
Drolet	Kuipers	Sanborn	Woronchak
Ehardt	Lemmons	Schauer	

Nays—25

Bernero	Hansen	Lipsey	Rison
Bogardus	Hardman	Lockwood	Thomas
Clark, I.	Jacobs	Minore	Waters
Daniels	Jamnick	Murphy	Whitmer
Dennis	Kilpatrick	Phillips	Williams
Garza	Kolb	Quarles	Zelenko
Hale			

In The Chair: Birkholz

The House agreed to the title of the bill.

Rep. Middaugh moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Mead, Allen, Stewart, Richardville, Gielegem, Bogardus, Neumann, Bovin, Wojno, Waters, Zelenko, Rivet, DeVuyst, Middaugh, Murphy, Hansen, Sheltrown, Faunce, Vander Veen, Gosselin, George, Woronchak, Pappageorge, Ehardt, Jelinek, Birkholz, DeWeese, Kuipers, Toy, Voorhees, Vander Roest, Spade, Van Woerkom, Hummel, Schermesser, Adamini, Plakas, Jamnick, DeRossett, Basham, Mans, Kilpatrick, Switalski, Lipsey, Bernero, Meyer, Shulman, Cassis, Jansen, Bishop, McConico, Rich Brown and Kooiman offered the following resolution:

House Resolution No. 253.

A resolution designating the week of November 18-24, 2001, as Family Week in Michigan.

Whereas, We recognize that strong families are the center of strong communities and encourage all Michigan citizens and organizations to recommit to enhancing and extending all family connections. Families serve as the primary source of love, identify, self-esteem, and support. They are the very foundation of our state; and

Whereas, All Michigan citizens and organizations contribute to making families successful, most importantly families themselves. Municipalities, neighborhood organizations, businesses, nonprofit organizations, and public officials also have an impact on families; and

Whereas, Thanksgiving week is a very special time for families. During this week, we all should take time to honor the importance of families and recognize the connections that support and strengthen families year round; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body designate the week of November 18-24, 2001, as Family Week in Michigan.

Pending the reference of the resolution to a committee,
Rep. Middaugh moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Bob Brown, Allen, Sheltroun, Minore, Stewart, Richardville, Gielegem, Bogardus, Neumann, Bovin, Wojno, Woodward, Zelenko, Rivet, Callahan, Murphy, Hansen, Hale, Faunce, Woronchak, Ehardt, Birkholz, DeWeese, Toy, Spade, Lockwood, Schermesser, Jacobs, Adamini, Anderson, Plakas, Jamnick, Kolb, Schauer, Basham, Dennis, Kilpatrick, Switalski, Lipsey, Bernero, Meyer, McConico and Rich Brown offered the following resolution:

House Resolution No. 254.

A resolution honoring Richard Buckholz.

Whereas, With deep appreciation of the talents and energy that must come together to officiate middle school, high school, and college sports, we honor Richard Buckholz upon the occasion of his fifty-one years of service as a state of Michigan sports official. As Richard Buckholz continues his service as referee, we add our voice of thanks to those of the students, coaches, and parents throughout the city of Dearborn Heights and the entire state of Michigan; and

Whereas, Through his dedicated efforts as a sports official, as well as his active role in his community, Richard Buckholz has clearly demonstrated the highest qualities of citizenship and unselfishness. He is the oldest and longest active sports official in the state of Michigan. He officiates boys and girls basketball and track, as well as, boys football. In addition, he also evaluates football and baseball officials statewide; and

Whereas, Richard graduated from River Rouge High School in 1937 with seven varsity letters. He was named to the All-State teams for both football and basketball. Richard went on to play semi-professional football and basketball before joining the United States Army Air Corps in 1941. He served four years in the Air Corps and then came home to work for his family-owned trucking company, River Rouge Cartage. He then became a baseball and semi-professional football coach. In 1954, Richard moved to Dearborn Heights and joined the District 4 Community Council Recreational Organization. He was instrumental in the development of youth athletic programs for the community. In 1967, Richard became the first full-time recreation director for the city of Dearborn Heights. In this position, Richard was able to initiate and expand numerous youth athletic programs. He helped secure state and federal funding for the local ice arena, Canfield Center, and Parkland Park. For some time, he was self-employed and then was a physical education teacher in Dearborn Heights. In 1990, he was honored as the Grand Marshall of the Dearborn Heights Spirit Festival; and

Whereas, Presently, in addition to his officiating duties, Richard conducts basketball, baseball, and officiating clinics and works part-time for a summer program organizing special events such as the Junior Olympics, bowling, golf, and swimming. He is also a member of the Dearborn Heights Recreation Commission, Dearborn Heights Goodfellows, Dearborn Heights Chamber of Commerce, Dearborn Heights Kiwanis, Michigan High School Athletic Association, and the Catholic League Hall of Fame; and

Whereas, Richard has been married to Louise Buckholz for fifty-eight years. They have three daughters, seven grandchildren, and five great-grandchildren; and

Whereas, In his work as a referee over the past fifty-one years, Richard Buckholz has been a fantastic role model for children and adults alike. With his heartfelt concern for young people and the realization of the importance of physical fitness in our changing world, Richard Buckholz has helped countless children and strengthened our state and its future; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Richard Buckholz for his commitment to the young people as a sports referee and athletic supporter; and be it further

Resolved, That a copy of this resolution be transmitted to Richard Buckholz as a token of our esteem.

Rep. Middaugh moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Richner, Richardville, Stewart, Neumann, DeVuyst, Faunce, Ehardt, Birkholz, DeWeese, Voorhees, DeRossett, Switalski, Meyer, Shulman and Jansen offered the following resolution:

House Resolution No. 256.

A resolution to express support for the proposed aerial gondola spanning the Detroit River and to encourage Windsor and Ontario authorities to expedite the project's approval.

Whereas, The warm relationships between Michigan and Ontario and between Detroit and Windsor have provided enormous benefits to the region and to the people who call the area on either shore of the Detroit River home. In an effort to highlight this relationship and further develop the resources of the Detroit-Windsor area, business and

community leaders on both sides of the Detroit River are promoting the construction of an aerial gondola over the Detroit River. This project would create one of the most unique tourist attractions anywhere and focus attention on the concept of the "Two Nation Vacation"; and

Whereas, The proposed gondola line linking the downtowns of Detroit and Windsor offers many economic opportunities. A study commissioned by the Detroit Metro Convention and Visitors Bureau indicates that the project would result in \$325.5 million in new visitor spending and would lure 1 million additional visitors, which would result in 5,200 new jobs. The gondola is expected to provide 3 million round trips annually with a crossing time for passengers of less than 5 minutes. One prominent area economist has predicted that the annual economic benefits could exceed the spending from the North American International Auto Show each year; and

Whereas, City officials in Detroit and Windsor and numerous private corporations and organizations have expressed strong support for this venture. With the enormous potential the aerial gondola holds for tourism development, the remaining obstacles need to be overcome to bring this idea to fruition; now, therefore, be it

Resolved by the House of Representatives, That we express support for the proposed aerial gondola spanning the Detroit River and encourage Windsor and Ontario authorities to expedite the project's approval; and be it further

Resolved, That copies of this resolution be transmitted to the Mayor of Windsor, the Premier of Ontario, the President of the United States, 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 resolution was referred to the Committee on Commerce.

Reps. Middaugh, Bradstreet, Stewart, Neumann, Wojno, Rivet, DeVuyst, Murphy, Sheltrown, Faunce, Vander Veen, Gosselin, George, Woronchak, Ehardt, Jelinek, Birkholz, Kuipers, Toy, Voorhees, Vander Roest, Van Woerkom, Schauer, DeRossett, Basham, Switalski, Lipsey, Bernero, Meyer, Shulman, Cassis, Jansen and Kooiman offered the following concurrent resolution:

House Concurrent Resolution No. 48.

A concurrent resolution to urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste.

Whereas, Over the past four decades, nuclear power has become a significant source for the nation's production of electricity. Michigan is among the majority of states that derive energy from nuclear plants; and

Whereas, Since the earliest days of nuclear power, the great dilemma associated with this technology is how to deal with the waste material that is produced. This high-level radioactive waste material demands exceptional care in all facets of its storage and disposal, including the transportation of this material; and

Whereas, In 1982, Congress passed the Nuclear Waste Policy Act of 1982. This legislation requires the federal government, through the Department of Energy, to build a facility for the permanent storage of high-level nuclear waste. This act, which was amended in 1987, includes a specific timetable to identify a suitable location and to establish the waste facility. The costs for this undertaking are to be paid from a fee that is assessed on all nuclear energy produced; and

Whereas, In accordance with the federal act, Michigan electric customers have paid \$405.8 million into this federal fund for construction of the federal waste facility; and

Whereas, There are serious concerns that the federal government is not complying with the timetables set forth in federal law. Every delay places our country at greater risk, because the large number of temporary storage sites at nuclear facilities across the country make us vulnerable to potential problems. The events since September 11, 2001, clearly illustrate the urgency of the need to establish a safe and permanent high-level nuclear waste facility as soon as possible. The Department of Energy, working with the Nuclear Regulatory Commission, must not fail to meet its obligation as provided by law. There is too much at stake; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Energy and the Nuclear Regulatory Commission.

The concurrent resolution was referred to the Committee on Energy and Technology.

Reports of Standing Committees

The Committee on Civil Law and the Judiciary, by Rep. Howell, Chair, reported

House Bill No. 4855, entitled

A bill to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody proceeding involving this state and a proceeding or party outside of this state; and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 32, line 23, after "(1)" by striking out "Chapter 6a" and inserting "Sections 651 to 673".
2. Amend page 32, line 24, after "600.673," by striking out "is" and inserting "are".
3. Amend page 32, line 25, after "effect" by striking out "January" and inserting "April".

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4855 To Report Out:

Yeas: Reps. Howell, Richner, Bisbee, Faunce, Hummel, Koetje, Voorhees, Adamini, Waters,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Howell, Chair of the Committee on Civil Law and the Judiciary, was received and read:

Meeting held on: Tuesday, October 30, 2001, at 3:42 p.m.,

Present: Reps. Howell, Richner, Bisbee, Faunce, Hummel, Koetje, Voorhees, Adamini, Waters,

Absent: Reps. Lipsey, Minore,

Excused: Reps. Lipsey, Minore.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

Senate Bill No. 434, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 1994 PA 177.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 7, after "charge," by inserting "A NOTIFICATION TO THE PERSON IN CHARGE OF A HOSPITAL, AGENCY, OR SCHOOL DOES NOT RELIEVE THE MEMBER OF THE STAFF OF THE HOSPITAL, AGENCY, OR SCHOOL OF THE OBLIGATION OF REPORTING TO THE DEPARTMENT AS REQUIRED BY THIS SECTION."

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 434 To Report Out:

Yeas: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor, Murphy, Bernero, Garza, Rison,

Nays: None.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

Senate Bill No. 682, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 17a (MCL 552.17a), as amended by 1990 PA 243.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 682 To Report Out:

Yeas: Reps. Hart, Vander Veen, Hager, Tabor, Murphy, Bernero, Rison,

Nays: None.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

Senate Bill No. 683, entitled

A bill to amend 1966 PA 138, entitled "The family support act," by amending sections 1, 1a, and 5 (MCL 552.451, 552.451a, and 552.455), sections 1 and 1a as amended by 1990 PA 237 and section 5 as amended by 1996 PA 5.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 683 To Report Out:

Yeas: Reps. Hart, Vander Veen, Hager, Tabor, Murphy, Bernero, Rison,
Nays: None.

The Committee on Family and Children Services, by Rep. Hart, Chair, reported

Senate Bill No. 684, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 2 (MCL 722.22), as amended by 1999 PA 156.

Without amendment and with the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 684 To Report Out:

Yeas: Reps. Hart, Vander Veen, Hager, Tabor, Murphy, Bernero, Rison,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hart, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Tuesday, October 30, 2001, at 3:40 p.m.,

Present: Reps. Hart, Vander Veen, DeWeese, Hager, Tabor, Murphy, Bernero, Garza, Rison.

The Committee on Insurance and Financial Services, by Rep. Sanborn, Chair, reported

Senate Bill No. 666, entitled

A bill to amend 1995 PA 274, entitled "An act to amend section 834 of Act No. 218 of the Public Acts of 1956, entitled as amended "The insurance code of 1956," as amended by Act No. 443 of the Public Acts of 1994, being section 500.834 of the Michigan Compiled Laws," by repealing enacting section 2.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 666 To Report Out:

Yeas: Reps. Sanborn, Bisbee, Ehardt, Hager, Middaugh, Richner, Scranton, Van Woerkom, Wojno, Anderson, Clark, Daniels, Woodward,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sanborn, Chair of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, October 31, 2001, at 10:30 a.m.,

Present: Reps. Sanborn, Bisbee, Ehardt, Hager, Julian, Middaugh, Richner, Scranton, Van Woerkom, Wojno, Anderson, Clark, Daniels, Woodward,

Absent: Rep. Schermesser,

Excused: Rep. Schermesser.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

House Bill No. 5127, entitled

A bill to name a certain portion of highway I-94 the "94th Combat Infantry Division Memorial Highway"; and to prescribe certain duties of the state transportation department.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5127 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hummel, Ruth Johnson, Julian, Scranton, Anderson, Bovin, Jamnick, Murphy, Neumann,

Nays: None.

The Committee on Transportation, by Rep. Gilbert, Chair, reported

House Resolution No. 193.

A resolution to honor the 94th Combat Infantry Division of World War II by renaming the portion of Highway 94 from exit 92 in the Battle Creek area continuing east to M-66.

(For text of resolution, see House Journal No. 64, p. 1952.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 193.

A resolution to honor the 94th Combat Infantry Division of World War II.

Whereas, We are proud of the 94th Combat Infantry Division, one of the elite units to serve with General George S. Patton's famed 3rd Army. We offer our solemn admiration of the unselfishness and dedication to those who gave so much of themselves for the common good. While the members of this distinguished group of individuals share a sense of pride for their service to our great nation, we offer our deep and abiding thanks for their commitment and for the sacrifices they made in the name of liberty and freedom; and

Whereas, The 94th Combat Infantry Division was rushed 400 miles across France in the face of the Battle of the Bulge and began a campaign toward victory, ranking them as one of the all-time great fighting men of World War II. We acknowledge their unceasing courage. From the time they landed in France, 209 combat days and 10,937 casualties later, this loyal group rose above and beyond any expectations to protect the independence they all believed in; and

Whereas, We want to join with several states including New York, New Jersey, and Pennsylvania, who have dedicated sections of Highway 94 to members and officers of the 94th Combat Infantry Division. We in Michigan, where the 94th Combat Infantry Division originated at Fort Custer in Battle Creek, want to share in this celebration of valor and allegiance. Fittingly, as they look to the past, they will also be casting an eye to the future and to the many ways in which those members of the 94th Combat Infantry Division still residing in Michigan will continue to reach out in our state, sharing their devotion to our country with those of us who are fortunate to live here; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the 94th Combat Infantry Division and to express appreciation for their valuable contributions; and be it further

Resolved, That a copy of this resolution be transmitted to the 94th Combat Infantry Division as evidence of our esteem.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

HR 193 To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hummel, Ruth Johnson, Julian, Scranton, Anderson, Bovin, Jamnick, Murphy, Neumann,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair of the Committee on Transportation, was received and read:
Meeting held on: Wednesday, October 31, 2001, at 9:00 a.m.,

Present: Reps. Gilbert, George, DeRossett, Drolet, Gosselin, Hummel, Ruth Johnson, Julian, Scranton, Anderson, Bovin, Jamnick, Murphy, Neumann,

Absent: Reps. Hart, Daniels, Schermesser,

Excused: Reps. Hart, Daniels, Schermesser.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

House Bill No. 5341, entitled

A bill to commission and confer certain police and arrest powers on certain sergeants at arms and assistant sergeants at arms in the legislative branch; and to prescribe certain duties and responsibilities of certain state employees.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5341 To Report Out:

Yeas: Reps. Patterson, Howell, Kuipers, Jacobs, Lipsey,
Nays: None.

The Committee on House Oversight and Operations, by Rep. Patterson, Chair, reported

House Bill No. 5342, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 1998 PA 237.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5342 To Report Out:

Yeas: Reps. Patterson, Howell, Kuipers, Jacobs, Lipsey,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Patterson, Chair of the Committee on House Oversight and Operations, was received and read:

Meeting held on: Wednesday, October 31, 2001, at 10:30 a.m.,

Present: Reps. Patterson, Howell, Kuipers, Jacobs, Lipsey.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

House Bill No. 5212, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 14 (MCL 205.104), as amended by 1986 PA 41.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5212 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore,
Nays: None.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

House Bill No. 5330, entitled

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 1986 PA 58.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5330 To Report Out:

Yeas: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cassis, Chair of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, October 31, 2001, at 10:30 a.m.,

Present: Reps. Cassis, Vear, Drolet, Faunce, Gosselin, Meyer, Newell, Richardville, Woronchak, Quarles, Basham, Bob Brown, Hale, Minore, Wojno,

Absent: Reps. Kowall, O'Neil,

Excused: Reps. Kowall, O'Neil.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bradstreet, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, October 31, 2001, at 9:00 a.m.,

Present: Reps. Bradstreet, Middaugh, Birkholz, Bisbee, Bishop, Cassis, Howell, Kowall, Richardville, Vander Veen, Rivet, Bovin, Bob Brown, Daniels, Schauer, Thomas,

Absent: Rep. Woodward,

Excused: Rep. Woodward.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members, Thursday, October 25:

Senate Bill Nos.	763	764	765	766	767	768	769	770	771	772	773	774	783	784
	785	786	787	788	789	790	791	792	793	794	795	796	797	799
	800	801	802											
Senate Joint Resolution	T													

The Clerk announced that the following bills had been printed and placed upon the files of the members, Friday, October 26:

Senate Bill Nos.	798	803	804	805	806
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The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 31, for his approval of the following bill:

Enrolled House Bill No. 5092 at 9:49 a.m.

The Clerk announced that the following bill had been printed and placed upon the files of the members, Wednesday, October 31:

House Bill Nos.	5367
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The Clerk announced that the following Senate bills had been received on Wednesday, October 31:

Senate Bill Nos.	525	643	660	661	662	664	746	747	775	781	782
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By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 525, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21712 (MCL 333.21712).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Senate Bill No. 643, entitled

A bill to amend 1988 PA 466, entitled "Animal industry act," by amending section 14 (MCL 287.714), as amended by 2000 PA 323.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Agriculture and Resource Management.

Senate Bill No. 660, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16204a, 16204b, 16204c, and 16204d (MCL 333.16204a, 333.16204b, 333.16204c, and 333.16204d), section 16204a as amended by 1998 PA 421, section 16204b as added by 1998 PA 422, and sections 16204c and 16204d as added by 1998 PA 423.

The Senate has passed the bill.

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

Senate Bill No. 661, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 402a (MCL 550.1402a), as amended by 1998 PA 426.

The Senate has passed the bill.

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

Senate Bill No. 662, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2212a (MCL 500.2212a), as amended by 1998 PA 424.

The Senate has passed the bill.

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

Senate Bill No. 664, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 1998 PA 88.

The Senate has passed the bill.

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

Senate Bill No. 746, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 213 (MCL 450.1213).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Senate Bill No. 747, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," (MCL 450.4101 to 450.5200) by adding section 204a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Senate Bill No. 775, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 19 (MCL 208.19), as added by 1999 PA 115.

The Senate has passed the bill.

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

Senate Bill No. 781, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5656, 5657, 5658, 5659, and 5660 (MCL 333.5656, 333.5657, 333.5658, 333.5659, and 333.5660), as added by 1996 PA 594.

The Senate has passed the bill.

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

Senate Bill No. 782, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5652, 5653, 5654, and 5655 (MCL 333.5652, 333.5653, 333.5654, and 333.5655), sections 5652 and 5655 as added by 1996 PA 594 and sections 5653 and 5654 as amended by 2000 PA 58.

The Senate has passed the bill.

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

House Concurrent Resolution No. 47.

A concurrent resolution prescribing the legislative schedule.

(For text of resolution, see House Journal No. 77, p. 2243.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

Senate Concurrent Resolution No. 31.

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 Agriculture Animal Health Diagnostic Laboratory.

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

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

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

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

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

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

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 32.

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 Community Health Center for Forensic Psychiatry.

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 for the Center for Forensic Psychiatry located in Washtenaw 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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Community Health Center for Forensic Psychiatry shall not exceed \$95,100,000 (the Authority share is \$95,099,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$95,099,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$8,025,000 and \$10,035,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 33.

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 Corrections Multilevel Correctional Facility at Ionia.

Whereas, 1998 PA 273 originally established the Department of Corrections Multilevel Correctional Facility at Ionia (the "Facility") at a Total Facility Cost of \$70,000,000, of which the State Building Authority (the "Authority") share is \$32,999,900, the State General Fund/General Purpose share is \$100, and the Federal Restricted Funds share is \$37,000,000; and

Whereas, 1998 PA 538 increased the Total Facility Cost to \$82,000,000, with the State Building Authority share remaining at \$32,999,900, the Federal Restricted Funds share increasing to \$49,000,000, and the State General Fund/General Purpose share remaining at \$100; and

Whereas, 1999 PA 137 decreased the Total Facility Cost to \$80,500,000, with the State Building Authority share decreasing to \$31,499,900, the Federal Restricted Funds share remaining at \$49,000,000, and the State General Fund/General Purpose remaining at \$100; and

Whereas, 1999 PA 265 maintained the same Total Facility Cost of \$80,500,000, but increased the State Building Authority share to \$33,479,900 and decreased the Federal Restricted Funds share to \$47,020,000. The State General Fund/General Purpose share remained at \$100; and

Whereas, 2000 PA 291 increased the Authority's share of the Facility by \$1,100,000 and decreased the Federal Restricted Funds share by \$1,100,000, reestablishing the Total Facility Cost of \$80,500,000, of which the Authority's share was \$34,579,900, the State General Fund/General Purpose share remained at \$100, and the Federal Restricted Funds share was \$45,920,000; and

Whereas, 2001 PA 45 increased the Authority's share of the Facility by \$24,000,000 and decreased the Federal Restricted Funds share by \$24,000,000, maintaining a Total Facility Cost of \$80,500,000, of which the Authority's share is now \$58,579,900, the State General Fund/General Purpose share remains at \$100, and the Federal Restricted Funds share is now \$21,920,000; and

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

Whereas, The site for the Multilevel Correctional Facility at Ionia located in Ionia County is currently owned by the State; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Corrections Multilevel Correctional Facility at Ionia shall not exceed \$80,500,000 (the Authority share is \$58,579,900, the State General Fund/General Purpose share is \$100, and the Federal Restricted Funds share is \$21,920,000), 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 \$58,579,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$4,940,000 and \$6,180,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 34.

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 Corrections Parnall Correctional Facility Additional Housing Unit.

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 for the Parnall Correctional Facility Additional Housing Unit located in Jackson 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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Corrections Parnall Correctional Facility Additional Housing Unit shall not exceed \$4,960,000 (the Authority share is \$4,960,000 and the State General Fund/General Purpose share is \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$4,960,000, 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 \$420,000 and \$525,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 35.

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

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Central Michigan 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 Health Professions Building (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Central Michigan University Health Professions Building shall not exceed \$50,000,000 (the Authority share is \$37,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$12,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$37,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$3,165,000 and \$3,960,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

Resolved, That, by hereby approving the Lease 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 Authority, the Board of Trustees of Central Michigan University and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 36.

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 Gogebic Community College relative to the Gogebic Community College General Campus Renovations.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Gogebic 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 General Campus Renovations (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Gogebic Community College General Campus Renovations shall not exceed \$1,400,000 (the Authority share is \$699,800, the State General Fund/General Purpose share is \$200, and the State Lump Sum Planning Account share is \$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 \$699,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$55,000 and \$75,000, 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 Authority, the Board of Trustees of Gogebic Community College, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 37.

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 Grand Valley State University relative to the Grand Valley State University Health Professions Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Grand Valley 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 Health Professions Building (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Grand Valley State University Health Professions Building shall not exceed \$53,000,000 (the Authority share is \$37,099,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$15,900,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$37,099,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$3,130,000 and \$3,915,000, 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 Authority, the Board of Control of Grand Valley State University, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 38.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the School District of the City of Dearborn relative to the Henry Ford Community College Instructional/Classroom Renovations.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of (i) the School District of the City of Dearborn (the "School District"), which has created Henry Ford Community College (the "College") and operates the College as a community college pursuant to 1976 PA 451, as amended, as permitted by Section 7 of Article VIII of the Michigan Constitution, (ii) the State Administrative Board, and (iii) 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 on which the College is located and which is owned by the School District may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the College's Instructional/Classroom Renovations (the "Facility") is currently owned by the School District; 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 School District has been prepared providing for the leasing of the Facility by the Authority to the State and the School District (the "Lease"); and

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Henry Ford Community College Instructional/Classroom Renovations shall not exceed \$9,856,000 (the Authority share is \$4,927,800, the State General Fund/General Purpose share is \$200, and the School District share is \$4,928,000), 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 \$4,927,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the School District 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 \$415,000 and \$520,000, 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 School District, and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 39.

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 Oakland University relative to the Oakland University School of Education and Human Services Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Oakland 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 School of Education and Human Services Building (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Oakland University School of Education and Human Services Building shall not exceed \$31,500,000 (the Authority share is \$23,624,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$7,875,000), 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 \$23,624,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$1,990,000 and \$2,490,000, 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 Authority, the Board of Trustees of Oakland University, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 40.

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 Schoolcraft College relative to the Schoolcraft College Business and Industry Training Center and Waterman Center Renovation.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Schoolcraft 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 Business and Industry Training Center and Waterman Center Renovation (together, 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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Schoolcraft College Business and Industry Training Center and Waterman Center Renovation shall not exceed \$26,738,000 (the Authority share is \$13,368,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$13,369,000), 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 \$13,368,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$1,130,000 and \$1,410,000, 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 Authority, the Board of Trustees of Schoolcraft College, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 41.

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

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (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 Central Campus Renovation Phase II-Mason Hall and Haven Hall (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Ann Arbor Central Campus Renovation Phase II-Mason Hall and Haven Hall shall not exceed \$35,000,000 (the Authority share is \$26,250,000, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$8,750,000), plus interest charges on monies advanced by the State to meet the construction cash

flow requirements of the Facility, if any, of which not more than \$26,250,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$2,215,000 and \$2,770,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

Resolved, That, by hereby approving the Lease 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 Authority, the Regents of the University of Michigan, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 42.

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 Washtenaw Community College relative to the Washtenaw Community College Technology Education Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Washtenaw 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 Technology Education Building (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Washtenaw Community College Technology Education Building shall not exceed \$21,121,600 (the Authority share is \$10,499,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$10,621,600), 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 \$10,499,900, 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 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 \$885,000 and \$1,110,000, 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 Authority, the Board of Trustees of Washtenaw Community College, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 43.

A concurrent resolution to change the scope of the Computer Technology and Academic Center project at Kellogg Community College.

Whereas, The Kellogg Community College-Computer Technology and Academic Center renovation and construction project was authorized with a total cost of \$12,000,000 in 1998 PA 538; and

Whereas, Kellogg Community College has requested to include additional campus-wide improvements in the project scope, including heating, ventilation, air conditioning, and refrigeration upgrades and pedestrian walkways; and

Whereas, Kellogg Community College has estimated that the total cost to construct these improvements is \$4,517,000; and

Whereas, Kellogg Community College has agreed to fund the increase in the project cost of \$4,517,000, with the state commitment remaining at \$5,999,900; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, 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 to increase the total authorized cost to construct the new Kellogg Community College-Computer Technology and Academic Center project to an amount not to exceed \$16,517,000 (State Building Authority share \$5,999,900; State General Fund/General Purpose share \$100; and the Kellogg Community College share \$10,517,000); 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 copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and Kellogg Community College.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Notices

October 31, 2001

Mr. Gary L. Randall, Clerk
House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Randall:

This letter is to inform you that effective immediately, I am removing Representative Patricia Godchaux from the Committee on Appropriations, and replacing her with Representative Leon Drolet.

Thank you for your attention to this matter. Please contact my office if you have any questions.

Sincerely,
Rick Johnson
Speaker of the House

Public Hearing

Subcommittee on PA 51 of 1951, General Issues of the Committee on Transportation

Date: Thursday, November 8, 2001

Time: 2:00 p.m.

Place: Kalamazoo County Road Commission, 3801 East Kilgore Rd., Kalamazoo, MI 49001

Rep. George,
Chair

Agenda: Defining maintenance of public roads and any/or all business properly before this subcommittee.

Introduction of Bills

Reps. McConico, Woodward, Thomas, Lemmons, Hale and Minore introduced

House Bill No. 5368, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5504 (MCL 324.5504).

The bill was read a first time by its title and referred to the Committee on Land Use and Environment.

Reps. George, Vander Roest, Lipsey, Kuipers, Julian, Stewart, Schauer, Pappageorge and Mead introduced

House Bill No. 5369, 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 section 11 (MCL 46.11), as amended by 1998 PA 97.

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

Reps. Vander Roest, George, Lipsey, Stewart, Kuipers, Schauer, Pappageorge and Mead introduced

House Bill No. 5370, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), as amended by 1985 PA 9.

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

Rep. Bishop moved that the House adjourn.

The motion prevailed, the time being 6:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 1, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives.