

**No. 11**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Tuesday, February 17, 1998.

10:00 a.m.

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

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

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

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

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

Pastor Greg Finke of the Messiah Lutheran Church of Midland offered the following invocation:

Dear Father in heaven, we take Your word seriously when You say that You have made us as Your workmanship, creating Christ Jesus to do the good works that You have prepared in advance for us to do.

Lord, we acknowledge that You have made us; You have designed us; in our mother's womb You knitted us together to be unique and special in our own way. We acknowledge that You loved us so much that You sent Your Son, Jesus, to die on the cross and rise again so that we would not be lost, that our lives would not be useless, but rather, that they would be redeemed and that we would be forgiven and have a new start, a new chance.

Lord, we also acknowledge that You have laid out before us plans and opportunities to make a difference in this life. There are good works that You have prepared in advance for us to do.

Lord, help us to understand that You have given us, each of us, a special place at this time, in this generation to impact it for the good in Your name, yes, but for the good of the people of this state and all of its various communities.

Today, Lord, I ask Your blessing on the men and women who must make decisions and that they might realize their place in destiny that You have had in mind for many, many years. We thank You for this opportunity. Please bless us that we might be a blessing to the citizens of this state. It is in Jesus' name that we pray. Amen.

### Motions and Communications

Senators Schwarz, Hoffman and Shugars entered the Senate Chamber.

Senator DeGrow moved that Senator Bouchard be excused from today's session.  
The motion prevailed.

The following communications were received:

Office of the Auditor General

February 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Northern Michigan Community Mental Health Board An Agency Under Contract with the Department of Community Health, February 1998.

February 10, 1998

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the Regulatory Services Administration, Department of State, February 1998.

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communications were referred to the Secretary for record.

The Secretary announced that the following House bill was received in the Senate and filed on Thursday, February 12:

**House Bill No. 5487**

The Secretary announced the enrollment printing and presentation to the Governor on Friday, February 13, for his approval the following bill:

**Enrolled Senate Bill No. 846 at 3:08 p.m.**

The Secretary announced the printing and placement in the members' files on Friday, February 13 of:

**Senate Bill Nos. 867 868 869 871 872 873 874 875 876 877 879 880 881 882  
883 884 885**

**Messages from the Governor**

The following message from the Governor was received on February 10, 1998, and read:

**EXECUTIVE ORDER**

No. 1998 - 1

**Michigan Department of State Police  
L.E.I.N. Policy Council  
A.F.I.S. Policy Council  
Criminal Justice Information System****Executive Reorganization**

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

Whereas, the Law Enforcement Information Network (L.E.I.N.) Policy Council was established pursuant to Act No. 163 of the Public Acts of 1974 to create policy and promulgate rules regarding the operational procedures to be followed by agencies using the law enforcement information network, to review applications for network terminals and approve or disapprove the applications and the sites for terminal installations and to establish minimum standards for terminal sites and installations; and

Whereas, the Automated Fingerprint Identification System (A.F.I.S.) Policy Council was established pursuant to Act No. 307 of the Public Acts of 1988 to, among other things, create policy and promulgate rules regarding the operation and audit procedures to be followed by agencies using the A.F.I.S., to design and provide for statewide identification of individuals using an A.F.I.S., to establish minimum standards for A.F.I.S. sites and installation, to review proposed applications for the A.F.I.S. and approve or disapprove the applications and the sites for system installations and to establish policy and promulgate rules restricting the dissemination of identification information to individuals and agencies; and

Whereas, the membership of the L.E.I.N. Policy Council is fully represented on the A.F.I.S. Policy Council; and

Whereas, the mission and goals of the L.E.I.N. Policy Council and the A.F.I.S. Policy Council are similar and the technologies and system interaction involved with both L.E.I.N. and A.F.I.S. are closely linked; and

Whereas, the functions, duties and responsibilities assigned to the L.E.I.N. Policy Council and the A.F.I.S. Policy Council can be more effectively organized and carried out under the supervision and direction of one governmental body; and

Whereas, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

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

1. There is created the Criminal Justice Information Systems (CJIS) Policy Council within the Department of State Police. The council shall exercise its prescribed powers, duties, functions and responsibilities independently of the director of the department. The budgeting, procurement and related management functions of the council shall be performed under the direction and supervision of the director of the department.

2. The CJIS Policy Council shall consist of the following members:

- a. The Attorney General or his or her designee;
- b. The Secretary of State or his or her designee;
- c. The Director of the Department of State Police or his or her designee;
- d. The Director of the Department of Corrections or his or her designee;
- e. Three representatives of the Department of State Police to be appointed by the Director of the Department of State Police;
- f. The Chief of Detroit Police Department or his or her designee;
- g. Three representatives of the Michigan Association of Chiefs of Police to be appointed by that association;
- h. Four representatives of the Michigan Sheriff's Association to be appointed by that association;
- i. Three representatives of the Prosecuting Attorneys Association of Michigan to be appointed by that association;
- j. A representative of the Michigan District Judges Association to be appointed by that association;
- k. A representative of the Michigan Judges Association to be appointed by that association;
- l. The State Court Administrator or his or her designee;
- m. An individual employed in or engaged in the business of private security, who shall be appointed by and serve at the pleasure of the Governor;
- n. An individual who represents human services concerns in the state, who shall be appointed by and serve at the pleasure of the Governor; and
- o. The executive secretary of the CJIS Policy Council, who shall serve in an ex officio capacity.

3. The Council shall, at its first meeting, elect from its membership a chairperson who shall serve for one year. Elections thereafter shall be held annually. A chairperson may, if reelected, succeed himself or herself. The council shall meet quarterly, during the months of January, April, July and October, and at other times the chairperson considers necessary. A majority of the council members shall constitute a quorum for conducting the business of the council.

4. The council chairperson shall appoint committee chairpersons with the approval of the council. A committee chairperson may succeed himself or herself if reappointed.

5. Council members or their representatives shall serve without compensation, but shall be entitled to actual expenses incurred during attendance at a regular or special council meeting and in traveling to and from a meeting.

6. A council member shall serve a two (2) year term and may succeed himself or herself if reappointed as a member.

7. All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions of the A.F.I.S. Policy Council set forth in Act No. 307 of the Public Acts of 1988, as amended, being Sections 28.151 et seq. of the Michigan Compiled Laws, are hereby transferred to the CJIS Policy Council by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the A.F.I.S. Policy Council is abolished.

8. In addition to the aforementioned responsibilities, the CJIS Policy Council shall serve in an advisory capacity to the Director of the Department of State Police on issues related to the development and deployment of information management systems that facilitate the rapid exchange of accurate information between the various components of the criminal justice community.

9. All the statutory authority, powers, duties, functions and responsibilities, including the functions of rulemaking, budgeting, procurement and related management functions of the L.E.I.N. Policy Council set forth in Act No. 163 of the Public Acts of 1974, as amended, being Sections 28.211 et seq. of the Michigan Compiled Laws, are hereby transferred to the CJIS Policy Council by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the L.E.I.N. Policy Council is abolished.

10. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of the transfers and shall make internal organizational changes that may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

11. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the A.F.I.S. Policy Council or the L.E.I.N. Policy Council are hereby transferred to the CJIS Policy Council.

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

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

14. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Order shall become effective sixty (60) days after filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of February, in the Year of our Lord, One Thousand Nine Hundred Ninety-eight.

John Engler  
Governor

By the Governor:  
Candice S. Miller  
Secretary of State

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

By unanimous consent the Senate proceeded to the order of

### **Introduction and Referral of Bills**

Senators Bennett, Cisky, Miller, Bouchard, Geake, Bullard, Gast, McManus, Dunaskiss, Schuette, Rogers and Jaye introduced

#### **Senate Bill No. 878, entitled**

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and section 202 (MCL 37.2202), the title as amended by 1992 PA 258 and section 202 as amended by 1991 PA 11.

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

Senator Bouchard introduced  
**Senate Bill No. 886, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803q. The bill was read a first and second time by title and referred to the Committee on Transportation and Tourism.

Senator Bouchard introduced  
**Senate Bill No. 887, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95). The bill was read a first and second time by title and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

Senators Gougeon, North, Hart, Bennett, Cisky, Steil, Stille, Geake, Hoffman, Rogers, Schwarz, Shugars, DeGrow, Van Regenmorter and Jaye introduced

**Senate Bill No. 888, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17016 and 17516 (MCL 333.17016 and 333.17516), as added by 1996 PA 273.

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

Senators Dingell, DeBeaussaert, Miller, Cisky and Koivisto introduced

**Senate Bill No. 889, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 503, 503a, and 1902 (MCL 324.503, 324.503a, and 324.1902), section 503 as amended and section 503a as added by 1996 PA 133 and section 1902 as amended by 1996 PA 134.

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

Senator Emmons introduced

**Senate Bill No. 890, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 52 (MCL 208.52).

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

**House Bill No. 5487, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2001 (MCL 339.2001), as amended by 1997 PA 122.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

### Recess

Senator DeGrow moved that the Senate recess until 10:30 a.m.

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

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

During the recess, Senator Van Regenmorter entered the Senate Chamber.

### Recess

Senator DeGrow moved that the Senate recess until 10:45 a.m.

The motion prevailed, the time being 10:31 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Binsfeld.

### Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.  
The motion prevailed, the time being 10:46 a.m.

11:01 a.m.

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

During the recess, Senators Gast, North, McManus, Schuette, Jaye, Dunaskiss, Bennett, Geake, Stille, Steil, Bullard, Posthumus, Gougeon and Rogers entered the Senate Chamber.

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

The following bill was announced:

**Senate Bill No. 565, entitled**

A bill to amend chapter IX of 1927 PA 175, entitled "The code of criminal procedure," (MCL 769.1 to 769.34) by adding section 15.

(This bill was read a third time on February 10, amendments adopted and the motion to reconsider the vote postponed. See Senate Journal No. 8, p. 120.)

The question being on the motion to reconsider the vote by which the amendments offered by Senator A. Smith were adopted,

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Hoffman requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 41**

**Yeas—37**

Bennett	Dunaskiss	McManus	Shugars
Berryman	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
Conroy	Hoffman	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow	Koivisto	Schwarz	Young
Dingell			

**Nays—0**

**Excused—1**

Bouchard

**Not Voting—0**

In The Chair: Schwarz

The question being on the adoption of the amendments,  
Senator A. Smith withdrew the amendments.

The question being on the passage of the bill,

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

**Roll Call No. 42****Yeas—37**

Bennett	Dunaskiss	McManus	Shugars
Berryman	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
Conroy	Hoffman	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow	Koivisto	Schwarz	Young
Dingell			

**Nays—0****Excused—1**

Bouchard

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 4382, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8904 (MCL 324.8904), as amended by 1995 PA 111, and by adding sections 8905a, 8905b, and 8905c.

The question being on the passage of the bill,

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

**Roll Call No. 43****Yeas—37**

Bennett	Dunaskiss	McManus	Shugars
Berryman	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O'Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
Conroy	Hoffman	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow	Koivisto	Schwarz	Young
Dingell			

**Nays—0****Excused—1**

Bouchard

**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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,”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 5222, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 2102a.

The question being on the passage of the bill,

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

**Roll Call No. 44****Yeas—37**

Bennett	Dunaskiss	McManus	Shugars
Berryman	Emmons	Miller	Smith, A.
Bullard	Gast	North	Smith, V.
Byrum	Geake	O’Brien	Stallings
Cherry	Gougeon	Peters	Steil
Cisky	Hart	Posthumus	Stille
Conroy	Hoffman	Rogers	Van Regenmorter
DeBeaussaert	Jaye	Schuette	Vaughn
DeGrow	Koivisto	Schwarz	Young
Dingell			

**Nays—0****Excused—1**

Bouchard

**Not Voting—0**

In The Chair: Schwarz

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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,”.

The Senate agreed to the full title.



### General Orders

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

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

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

**Senate Bill No. 789, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 405 (MCL 418.405), as amended by 1980 PA 457.

The bill was placed on the order of Third Reading of Bills.

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

**Senate Bill No. 838, entitled**

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending sections 11a and 56 (MCL 791.211a and 791.256), as added by 1994 PA 93.

Substitute (S-3).

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

1. Amend page 2, line 13, after "STATE" by striking out the balance of the subsection and inserting "WHICH AUTHORIZE THE CONFINEMENT OF PRISONERS UNDER THE JURISDICTION OF THE DEPARTMENT IN PRIVATELY OWNED OR OPERATED CORRECTIONAL FACILITIES LOCATED IN ANOTHER STATE."

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

### Resolutions

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

**Senate Resolution No. 71**

**Senate Concurrent Resolution No. 52**

**Senate Resolution No. 112**

The motion prevailed.

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

**Senate Resolution No. 137**

**Senate Resolution No. 140**

The resolution consent calendar was adopted.

Senator Bouchard offered the following resolution:

**Senate Resolution No. 137.**

A resolution to congratulate Beaumont hospitals for being recognized in recent months for an unparalleled range of honors—for their medical quality, their employee programs, for the trust shown to them by their community, and for their fiscal responsibility.

Whereas, Fortune magazine included the Beaumont hospitals among the "100 Best Companies to Work For in America" and Working Mother magazine included them on their list of America's best places to work for working parents; and

Whereas, Beaumont's Royal Oak hospital this month was named by two health consulting firms to their list of "100 Top Hospitals: Benchmarks for Success." This designation by HCIA, a Baltimore-based health care information company, and William M. Mercer, a New York-based human resources consulting firm, includes America's best performing hospitals, based on nine measures of clinical quality practices, operations and financial management. These measures include risk-adjusted mortality and complications, severity-adjusted average length of stay, expense per discharge, profitability, long-term growth in equity and total facility occupancy. Beaumont was the only hospital in metropolitan Detroit and the only major teaching hospital in Michigan to be named to the HCIA/Mercer list; and

Whereas, Beaumont's cardiology, gastroenterology, and rheumatology services were ranked in 1997 among the nation's, "top 40" by U.S. News & World Report. Their cardiology service was rated among the nation's top 20, and is the highest rated cardiology service in Michigan. These three medical specialties were also recognized in 1996, along with Beaumont's geriatrics and neurology services. In addition, many Beaumont physicians have been consistently listed in the annual "Best Doctors in America" listings; and

Whereas, These awards have come when the Beaumont hospitals have grown to be among the busiest in the country, for their size, and inpatient admissions. No other hospital organization anywhere in the United States has received this range of recognition; now, therefore, be it

Resolved by the Senate, That members of this legislative body congratulate and honor Beaumont hospitals and their employees for a lifetime of achievements and a job well done; and be it further

Resolved, That a copy of this resolution be transmitted to Beaumont hospitals as a reminder of their tremendous accomplishment for their medical quality, their employee programs, the trust shown to them by their community, and their fiscal responsibility.

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

Senators Dunaskiss, DeGrow, Posthumus, Geake, Stille, Bennett, Steil, Cisky, Gougeon, Rogers, McManus, Emmons, North, Van Regenmorter, Jaye, Schuette, Shugars, Cherry, A. Smith, DeBeaussaert, Byrum, Berryman, Dingell and Peters offered the following resolution:

**Senate Resolution No. 140.**

A resolution commemorating March 28, 1998, as NetDay in Michigan.

Whereas, It is our vision that technology be used for more efficient and effective learning in all disciplines, while producing expanded learning opportunities through technology for all Michigan students; and

Whereas, Technology in education must help improve performance and ability in the critical disciplines of math, science, reading, and writing; and

Whereas, Access to the Internet is a key element in using advances in technology to meet the needs of our children, traditional schools and some of our public school academies; and

Whereas, Many of our schools lack the physical infrastructure to connect to the Internet; and

Whereas, The goal of NetDay is to install all the basic writing needed to make all classrooms and a library or a computer lab in every school Internet-ready through an all-volunteer effort; and

Whereas, These volunteers come from businesses, education, and the local community; and

Whereas, By bringing together these diverse elements, NetDay establishes a framework for lasting partnerships among business, government, educational institutions, and local communities to provide ongoing support for our schools; and

Whereas, NetDay has the support of the Council of Chief State School Officers, American Library Association, Sun Microsystems, National Education Association, MCI, American Federation of Teachers, Council of Great City Schools, AT&T Learning Network, and The Corporation of National Service; now, therefore, be it

Resolved by the Senate, That we hereby commemorate March 28, 1998, as NetDay; and be it further

Resolved, That copies of this resolution be transmitted to the participants for their interest and dedication to the improvement of technology for all Michigan students as evidence of our support.

**House Concurrent Resolution No. 42.**

A concurrent resolution to urge the United States Department of Agriculture to take strong steps to halt all discrimination against Black farmers and to memorialize the Congress of the United States to enact recommended legislation.

Whereas, In many situations, the difficulties facing family farming operations are numerous and challenging. The number of farms has declined steadily for many years, both in Michigan and throughout the entire country. For Black farmers across this nation, however, the obstacles to survival are staggering. Recent investigations through the Congressional Black Caucus and organizations like the National Black Farmers Association have revealed the extent of discrimination against African American farm operations. These civil rights violations were contained in recommendations of a task force within the United States Department of Agriculture; and

Whereas, Access to capital, a vital component of any farming operation, has been denied to many Black farmers. When not denied outright, through loans refused and ultimate foreclosures, loans for Black farmers often take far longer to be approved. The result of a delay for a farm loan is often financial ruin; and

Whereas, According to the National Black Farmers Association, the USDA foreclosed on 1,000 Black farms in the last eight months. Black farmers are losing land at a rate of 9,000 acres a week. At this rate, according to the chair of the Congressional Black Caucus, Black farms will vanish by the year 2000; and

Whereas, The USDA, through its civil rights study group, has identified specific legislative changes to combat discrimination in its policies and programs. Any delay in implementing needed changes and in revamping the department's response to Black farmers is too long; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Department of Agriculture to take strong steps to halt all discrimination against Black farmers and to memorialize the Congress of the United States to enact legislation recommended by the USDA Civil Rights Task Force; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senators Hoffman, Young, Vaughn, V. Smith, A. Smith, Miller and Schwarz were named co-sponsors of the concurrent resolution.

Senator Stille offered the following resolution:

**Senate Resolution No. 138.**

A resolution to memorialize the Congress of the United States to enact the Upton-Klink-Boucher Clean Air Standards Bill, H.R. 1984.

Whereas, The Environmental Protection Agency (EPA) has established new standards for ambient air quality standards for ozone and fine particulate matter. The new standards have generated considerable disagreement over the manner in which the standards were determined and what impact they will have; and

Whereas, The process of setting new air standards includes several steps of study, planning, and monitoring. This involves a network of governmental entities in the states and regions. The process is also strongly affected by the wide range of topography and climate, which make it difficult to know how transported pollutants influence the air quality of areas far away from sources of ozone and particulate matter; and

Whereas, The Upton-Klink-Boucher Clean Air Standards Bill, H.R. 1984, is a prudent approach to the problems of ambient air quality standards and setting policies that will enhance decision-making and improve public health. The bill provides for a moratorium on the establishment of new standards for ozone and fine particulate matter under the Clean Air Act. It requires the EPA to study the health implications and to increase monitoring efforts with regard to particulate matter especially. The bill seeks to ensure progress through continued implementation of ozone-fighting provisions of the Clean Air Act amendments of 1990; and

Whereas, The Upton-Klink-Boucher Clean Air Standards Bill is a timely response to a serious and complex issue. The measure proposes requirements for study that may well make it more effective in the long run in helping us clean up our air far into the next century; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Upton-Klink-Boucher Clean Air Standards Bill, H.R. 1984, to establish a moratorium on new ozone and particulate matter standards and to provide for the Environmental Protection Agency to take certain actions regarding air quality; and be it further

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

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

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

The question being on the adoption of the resolution,

Senator DeGrow moved that the resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Gast and Schwarz were named co-sponsors of the resolution.

Senator Posthumus offered the following resolution:

**Senate Resolution No. 139.**

A resolution to amend the Standing Rules of the Senate.

Resolved by the Senate, That Rule 2.103 of the Standing Rules of the Senate be hereby amended to read as follows:

“2.103 Standing Committees

The standing committees of the Senate shall be:

Appropriations (~~13~~ 16 members)

Economic Development, International Trade and Regulatory Affairs (5 members)

Education (5 members)

Families, Mental Health and Human Services (5 members)

FARMING, AGRIBUSINESS AND FOOD SYSTEMS (5 MEMBERS)

Finance (5 members)

Financial Services (5 members)

Gaming and Casino Oversight (5 members)

Government Operations (5 members)

Health Policy and Senior Citizens (5 members)

Human Resources, Labor and Veterans Affairs (5 members)

~~Hunting, Fishing and Agriculture (5 members)~~

HUNTING, FISHING AND FORESTRY (5 MEMBERS)

Judiciary (7 members)

Local, Urban and State Affairs (5 members)

Natural Resources and Environmental Affairs (5 members)

Technology and Energy (5 members)

Transportation and Tourism (5 members)

Statutory standing committees:

Administrative Rules (5 members) (see MCL 24.235)

Legislative Council (6 members and 3 alternates) (see MCL 4.1103)

Legislative Retirement Board of Trustees (4 members) (see MCL 38.1026)

Michigan Capitol Committee (4 members) (see MCL 4.1701)”.  
 Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator DeGrow moved that the rule be suspended.  
 The motion prevailed, a majority of the members serving voting therefor.  
 The resolution was adopted, a majority of the members serving voting therefor.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 61.**

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 Rapids Community College relative to the Grand Rapids Community College Science Facility.

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

Whereas, The site for the Grand Rapids Community College Science Facility (the “Facility”) is currently owned by the College; and

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

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

Whereas, A lease among the Authority, the State, and the College has been prepared providing for the leasing of the Facility by the Authority to the State and the College (the “Lease”); and

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

Resolved by the Senate (the House of Representatives concurring), That the total facility cost for the Grand Rapids Community College Science Facility shall not exceed \$30,080,800 (the Authority share is \$15,040,300, the State General Fund/General Purpose share is \$100, and the College share is \$15,040,400), 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 \$15,040,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,462,000 and \$2,539,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 62.**

A concurrent resolution to change the scope of the Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings project at Western Michigan University.

Whereas, The Western Michigan University Remodeling and Upgrade of the Engineering and Applied Sciences Buildings project was authorized with a total cost of \$50,000,000 in 1996 PA 480; and

Whereas, Western Michigan University has requested that the project scope be expanded to include the Remodeling and Upgrade of the Engineering and Applied Sciences Buildings, and Complete Plans and Construction of a Student Services Building; and

Whereas, Western Michigan University has agreed that the expanded scope will be funded within the authorized project cost of \$50,000,000, with the total state commitment remaining at \$37,500,000 and the State Building Authority share remaining at \$37,499,900; and

Whereas, Pursuant to Section 246 of 1984 PA 451, 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 modify the project scope for the Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings project to reflect the Western Michigan University Remodeling and Upgrade of the College of Engineering and Applied Sciences Buildings/Construction of new Student Services Building to complete plans and construction (total authorized cost \$50,000,000; State Building Authority share \$37,499,900; Western Michigan University Share \$12,500,000; and state general fund/general purpose share \$100). The legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the Director of the Department of Management and Budget and the Western Michigan University Board of Trustees.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Schwarz and Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 63.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Lake Michigan College relative to the Lake Michigan College South Campus Center.

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

Whereas, The site for the South Campus Center (the "Facility") is currently owned by the College; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the total facility cost for the Lake Michigan College South Campus Center shall not exceed \$8,761,200 (the Authority share is \$4,380,500, the State General Fund/General Purpose share is \$100, and the College share is \$4,380,600), 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 \$4,380,500, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$412,000 and \$705,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Schwarz and Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 64.**

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 St. Louis Correctional Facility.

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 Corrections St. Louis Correctional Facility located in Gratiot 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 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 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 St. Louis Correctional Facility shall not exceed \$75,000,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$74,250,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$7,416,000 and \$13,069,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 65.**

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 Mid Michigan Community College relative to the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Services Facilities Harrison Campus.

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

Whereas, The site for the Instructional Classrooms, Laboratories, and Student Services Facilities Harrison Campus (the "Facility") is currently owned by the College; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the total facility cost for the Mid Michigan Community College Instructional Classrooms, Laboratories, and Student Services Facilities Harrison Campus shall not exceed \$3,500,000 (the Authority share is \$1,749,500, the State General Fund/General Purpose share is \$500, and the College share is \$1,750,000), 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 \$1,749,500, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$165,000 and \$283,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Schwarz and Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 66.**

A concurrent resolution approving an increase in the total facility cost and a lease among the State of Michigan, the State Building Authority, and Eastern Michigan University relative to the Eastern Michigan University College of Education Building (Renovation of Existing Library).

Whereas, 1993 PA 19 established the Eastern Michigan University Library Replacement/Renovation/Office Relocation at a Total Project Cost of \$51,668,000. The project is comprised of three components, the renovation of the existing library building for the use of the College of Education (the "Facility"), construction of a new physical plant building, and a new library to replace the existing library; and

Whereas, House Concurrent Resolution No. 141 of 1995 subsequently established the total cost of the Facility at \$7,816,000, of which \$7,737,720 was to be financed by the State Building Authority (the "Authority"); and

Whereas, 1996 PA 480 increased the Total Facility Cost from \$7,816,000 to \$13,816,000 to provide for additional project costs, increased the Authority share from \$7,737,720 to \$10,737,720, and increased the University share from \$0 to \$3,000,000; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Legislature recognizes the need to increase the authorized Total Facility Cost for the Eastern Michigan University College of Education Building (Renovation of Existing Library) by an amount not to exceed \$6,000,000, the total of which will be financed by the Authority and the University; and be it further

Resolved, That the authorized Total Facility Cost established by House Concurrent Resolution No. 141 of 1995 is amended to an amount not to exceed \$13,816,000, plus interest charges on monies, if any, advanced by the State to meet construction cash flow requirements for the Facility. The Authority share is \$10,737,720, the University share is \$3,000,000, and the State General Fund/General Purpose share is \$78,280; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the University 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 \$1,066,000 and \$1,871,000, 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 reflecting the increased Facility cost 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 University, 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 University, and the State Budget Director.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 67.**

A concurrent resolution approving an increase in the total facility cost and a lease among the State of Michigan, the State Building Authority, and Oakland Community College relative to the Oakland Community College Renovation of Building "F".

Whereas, 1993 PA 19 established the Oakland Community College Renovation of Building "F" (the "Facility") at a Total Project Cost of \$9,000,000, of which \$4,499,900 was to be financed by the State Building Authority (the "Authority"); and

Whereas, Senate Concurrent Resolution No. 289 of 1996 subsequently established the Total Facility Cost of \$9,000,000, of which \$4,499,900 was to be financed by the Authority, \$4,500,000 by Oakland Community College (the "College"), and \$100 by the State of Michigan (the "State") general fund and approved a form of a lease between the Authority, the State, and the College (the "Lease"); and

Whereas, 1997 PA 116 increased the Total Facility Cost from \$9,000,000 to \$10,500,000 to provide for additional project costs, increased the Authority share from \$4,499,900 to \$5,249,900, and increased the College share from \$4,500,000 to \$5,250,000; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Legislature recognizes the need to increase the authorized Total Facility Cost for the Oakland Community College Renovation of Building "F" by an amount not to exceed \$1,500,000, the total of which will be financed by the Authority and the College; and be it further

Resolved, That the authorized Total Facility Cost established by Senate Concurrent Resolution No. 289 of 1996 is amended to an amount not to exceed \$10,500,000, plus interest charges on monies, if any, advanced by the State to meet construction cash flow requirements for the Facility. The Authority share is \$5,249,900, the College share is \$5,250,000, and the State General Fund/General Purpose share is \$100; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the University 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 \$478,000 and \$807,000, 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 reflecting the increased Facility cost 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 University, 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 College, and the State Budget Director.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Gast and Schwarz offered the following concurrent resolution:

**Senate Concurrent Resolution No. 68.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Agriculture-Farms Buildings Modernization.

Whereas, 1993 PA 19 established the Michigan State University Animal Agriculture Facilities Renovation Project (the "Project") at a total project cost of \$69,651,000. The Project is comprised of five components, including the modernization of certain farm buildings (the "Facility") and the renovation of various buildings and laboratories on the MSU campus; and

Whereas, House Concurrent Resolution No. 328 of 1995 subsequently established the total cost of the Facility at \$5,247,000, all of which was to be financed by the State Building Authority (the "Authority"); and

Whereas, The "True Rental" range needs to be changed; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to changes the "True Rental" for the Michigan State University Agriculture Facilities Renovation Project; and be it further

Resolved, That the annual amount to "True Rental" for the Facility shall be within or below the range of \$486,000 to \$825,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental is based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease reflecting the increased Facility cost 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 University, 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 University, and the State Budget Director.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

Senators Schwarz and Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 69.**

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 Ferris State University relative to the Ferris State University Elastomer Institute.

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

Whereas, The site for the Elastomer Institute (the "Facility") is currently owned by the University; 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 University pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the University has been prepared providing for the leasing of the Facility by the Authority to the State and the University (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 Ferris State University Elastomer Institute shall not exceed \$6,650,000 (the Authority share is \$4,649,900, the State General Fund/General Purpose share is \$100, and the University share is \$2,000,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$4,649,900, 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 University 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 \$435,000 and \$744,000, 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 University, 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 University, and the State Budget Director.

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

Senator DeGrow moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

### Statements

Senators Hart and V. Smith asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hart's statement is as follows:

I have always believed that if children have after-school activities, they will stay out of trouble—the reason these safe-haven, after-school programs won the support of police from across the United States. Law enforcement education and public policy officials join together in Washington, D.C., to issue a report calling for after-school programs for at-risk children. This report found that better child care and availability of safe-haven, after-school programs are some of the best tools to fight juvenile crime.

In cities where after-school programs are available, crime drops. The Baltimore Police reported a 42 percent drop in crime after safe-haven programming became available in the high-crime neighborhoods. Juvenile arrests in the public housing projects dropped by 75 percent when after-school programs is offered. After-school programs fight crime and improve education.

Students who work with others after school learn better study skills and learn how to be cooperative. We know safe-havens work. We have an opportunity to make them the reality.

I've introduced Senate Bill No. 282, which is currently before the Senate Education Committee. You and I have supported safe-haven programs in the past. The Senate and the House included money for safe-havens in last year's budget. Most of that money was vetoed by the Governor. This year we have more proof that we were right. Safe-haven programs do work; they are wise investments in our children and their futures. I hope I can count on your support again this year for safe-haven programs. The sooner we help our schools offer these programs, the safer our children will be.

Senator V. Smith's statement is as follows:

I listened with interest as our Majority Leader talked about crime packages and making sure that our state is safe for children. In that vein, I was the sponsor of the safe-haven amendatory language where we placed a small appropriation into the past budget last year with the hope of starting safe-haven programs. There was a reason that I did it and one of the reasons that I did it is I was also aware of the report that we heard from the good Senator from Dearborn who is now sponsoring Senate Bill No. 282, which is the safe-haven bill. I think it is an excellent idea but more than that, I can remember as a child, when I was growing up, I had access to the local high school after school and we had access to the gym. We had access to the swimming pool and there were things to do to make sure that your time was used in a positive way. My grandmother used to tell me that idle hands are the devil's workshop.

One of the things that I try to ensure with my own three sons is to keep them busy. I keep them busy with their academics. I keep them busy with tools, with visits to the museum, with sports activity—baseball, soccer.

So, I'm hoping that this body, since we're really concerned about children, really concerned about crime, will take another look at Senate Bill No. 282.

I was distressed that the Governor vetoed the language that I had sponsored and that this Senate had agreed upon in terms of safe-havens. I'm hoping that we take a look at Senate Bill No. 282. I'm hoping that the Education Committee will take that bill up and report it to the full floor because I think one of the most important strategies that we can have in trying to help our children and alleviate crime is to make sure that we keep them busy. Idle hands are the devil's workshop.

By unanimous consent the Senate returned to the order of

### **Motions and Communications**

The Secretary announced that the Majority Leader has made the appointment of the following standing committees:

**Financial Services** - Senator Bullard replacing Senator Gougeon.

**Health Policy and Senior Citizens** - Senator Jaye replacing Senator Bullard.

**Education** - Senator Schuette (VC).

**Farming, Agribusiness and Food Systems** - Senators McManus (C), Stille (VC), Gougeon, Byrum (MVC) and Berryman.

**Hunting, Fishing and Forestry** - Senators Jaye (C), McManus (VC) and Hoffman.

**Appropriations** - Senators North, Gougeon and DeBeaussaert.

The standing committee appointments were approved, a majority of the members serving voting therefor.

### **Committee Reports**

The Committee on Local, Urban and State Affairs reported

#### **Senate Bill No. 255, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 771 and 5775 (MCL 600.5771 and 600.5775), as added by 1988 PA 336.

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

1. Amend page 6, line 11, after "PARK" by inserting "OR TO THE TERMINATION OF A TENANCY PURSUANT TO SECTION 5714(1) (A), (B), (D), (E), (F), OR (G)".

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

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

The Committee on Local, Urban and State Affairs reported

#### **Senate Bill No. 256, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5759 (MCL 600.5759).

With the recommendation that the bill pass.

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

#### **Senate Bill No. 528, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 1996 PA 59.

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

1. Amend page 5, line 16, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY:".

2. Amend page 5, line 21, after "PERSON" by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.

(iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES:".

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 529, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 1996 PA 205.

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

1. Amend page 5, line 15, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY:".

2. Amend page 5, line 20, after "PERSON" by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.

(iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES:".

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

Leon Stille  
Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 530, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by adding section 46a.

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

1. Amend page 1, line 6, after "THAT" by striking out the balance of the subdivision and inserting "THE DEPARTMENT OF STATE POLICE DETERMINES IS A HIGH-CRIME AREA BASED ON THE STATE POLICE UNIFORM CRIME REPORTING PROGRAM STATISTICS AND OTHER RELEVANT FACTORS AFTER CONSULTATION WITH THE MUNICIPALITY:".

2. Amend page 2, line 2, by striking out the balance of the subdivision and inserting "WHO MEETS ALL OF THE FOLLOWING CONDITIONS:

(i) IS EMPLOYED AS A POLICE OFFICER BY THIS STATE OR A MUNICIPALITY IN THIS STATE.

(ii) LIVES IN A HIGH-CRIME AREA.

(iii) WORKS AS A POLICE OFFICER IN THE HIGH-CRIME AREA IN WHICH HE OR SHE LIVES.  
 (iv) MEETS ANY OTHER CONDITIONS AS DETERMINED BY THE MUNICIPALITY IN WHICH HE OR SHE LIVES.”.

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

Leon Stille  
 Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

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

The Committee on Local, Urban and State Affairs reported

**Senate Bill No. 855, entitled**

A bill to amend 1978 PA 34, entitled “An act to revise the laws relating to fences on certain lands and fence viewers; and to repeal certain acts and parts of acts,” by amending sections 4, 5, and 6 (MCL 43.54, 43.55, and 43.56).

With the recommendation that the bill pass.

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

Leon Stille  
 Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss and Bennett

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Local, Urban and State Affairs reported

**House Bill No. 4979, entitled**

A bill to authorize the department of natural resources to convey certain state owned property in Crawford county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

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

1. Amend page 2, line 22, after “minerals” by striking out the balance of the line through “minerals” on line 23.

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

Leon Stille  
 Chairperson

To Report Out:

Yeas: Senators Stille, Dunaskiss, Bennett, Hart and O'Brien

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Local, Urban and State Affairs submits the following:

Meeting held on Wednesday, February 11, 1998, at 1:00 p.m., Room 100, Farnum Building

Present: Senators Stille (C), Dunaskiss, Bennett, Hart and O'Brien

COMMITTEE ATTENDANCE REPORT

The Select Committee to Examine Qualifications of Senator Stallings submits the following:

Meeting held on Wednesday, February 11, 1998, at 1:25 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Bullard (C), Emmons, Hoffman, A. Smith, Peters and Koivisto

COMMITTEE ATTENDANCE REPORT

The Joint Committee on Appropriations submits the following:

Meeting held on Thursday, February 12, 1998, at 11:00 a.m., Room 351, Capitol Building

Present: Senators Gast (C), Geake, Cisky, DeGrow, McManus, Schwarz, Steil, Conroy, Koivisto, A. Smith, Young and Vaughn

Excused: Senator Hoffman

## COMMITTEE ATTENDANCE REPORT

The Special Committee on Campaign Finance submits the following:

Meeting held on Thursday, February 12, 1998, at 1:00 p.m., Room 424, Capitol Building

Present: Senators Geake (C), Byrum and Dingell

Excused: Senator McManus

**Scheduled Meetings**

Capital Outlay Joint Subcommittee - Thursday, February 19, at 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Community Colleges Appropriations Subcommittee - Wednesdays, March 4 and March 11, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-6960).

Corrections Appropriations Subcommittee - Wednesdays, February 25, at 1:00 p.m.; March 4 and March 11, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1760).

Transportation and Tourism Committee - Wednesday, February 18, at 3:00 p.m., Room 405, Farnum Building (3-2413).

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 12:07 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Wednesday, February 18, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

