

No. 75
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, October 15, 1997.

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 not present.

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

Gast—present
Geake—present
Gougeon—present
Hart—present
Hoffman—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—excused
Stallings—present
Steil—present
Stille—present
Van Regenmorter—present
Vaughn—present
Young—present

Senator Mat J. Dunaskiss of the 16th District offered the following invocation:

Heavenly Father, we ask You for Your blessing upon this chamber during its deliberations. In an era of instants—instant food, instant photography, instant communication, instant gratification—it will serve us well as legislators to be always mindful that the constants in life that carry the true value—the support of family and friends, the fulfillment of work well done and trust in one's own ability to achieve success. May we ensure that it's the constants of life that we encourage through our actions, on behalf of the people of this state who have placed their confidence in us. Thank You.

Motions and Communications

Senator Miller entered the Senate Chamber.

Recess

Senator DeGrow moved that the Senate recess subject to the call of the President.
The motion prevailed, the time being 10:06 a.m.

10:26 a.m.

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

During the recess, Senators Rogers, Steil, Van Regenmorter, McManus, Hoffman, Bouchard, Stille, Gast, Bennett, Bullard, Gougeon, Cisky, Emmons and Posthumus entered the Senate Chamber.

A quorum of the Senate was present.

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, October 14:
House Bill Nos. 4944 4979 5058 5079 5084

The Secretary announced the printing and placement in the members' files on Tuesday, October 14 of:

Senate Bill Nos. 747 748 749 751 755
House Bill Nos. 5242 5243 5244 5245 5246 5247 5248 5249 5252 5253 5254 5255 5256 5257
5258 5259 5260

Senator Berryman moved that Senator Stallings be temporarily excused from today's session.
The motion prevailed.

Senator DeGrow moved that Senator Hoffman be excused from the balance of today's session.
The motion prevailed.

Messages from the House

Senators North and Geake entered the Senate Chamber.

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

Senate Bill No. 178
House Bill No. 4642
House Bill No. 4643
The motion prevailed.

Senate Bill No. 444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 72101 (MCL 324.72101), as added by 1995 PA 58, and by adding section 72105a.

The House of Representatives has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title of the bill.

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.

The Senate agreed to the full title of the bill.

The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Third Reading of Bills

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

House Bill No. 4509

The motion prevailed.

Senator DeGrow moved that Senator Schuette be temporarily excused from the balance of today's session.

The motion prevailed.

The following bill was read a third time:

House Bill No. 4773, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255.

The question being on the passage of the bill,

Senator DeGrow moved that further consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Steil, Schwarz, Stille and Shugars introduced

Senate Bill No. 756, entitled

A bill to regulate certain sales solicitations; to prescribe the powers and duties of certain governmental officials; and to prescribe remedies and penalties.

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

House Bill No. 4944, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 4 (MCL 450.224), as amended by 1990 PA 166.

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.

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 derived from the conveyance.

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 Local, Urban and State Affairs.

House Bill No. 5058, entitled

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

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 Local, Urban and State Affairs.

Senators Schuette and Stallings entered the Senate Chamber.

House Bill No. 5079, entitled

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

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 Local, Urban and State Affairs.

House Bill No. 5084, entitled

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

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 Local, Urban and State Affairs.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

By unanimous consent the Senate returned to consideration of the following bill:

House Bill No. 4773, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35 (MCL 208.35), as amended by 1995 PA 255.

(This bill was read a third time earlier today and consideration postponed. See p. 1527.)

The question being on the passage of the bill,

Senator Emmons offered the following amendments:

1. Amend page 7, line 15, after "DECEMBER 31," by striking out "1990" and inserting "1996".
2. Amend page 8, line 7, after "35(1)(h)" by inserting "AND SECTION 35(4)".
3. Amend page 8, line 11, after "goods" by inserting "AND THE APPLICATION OF THE SINGLE BUSINESS TAX TO FARMERS' COOPERATIVE CORPORATIONS RESPECTIVELY".

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

The question being on the passage of the bill,

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

Roll Call No. 509**Yeas—35**

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

Nays—0**Excused—2**

Hoffman

Smith, V.

Not Voting—0

In The Chair: President

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 bill shall read as follows:

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation.”

The Senate agreed to the full title of the bill.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator DeGrow moved that the rules be suspended and that the following bills, now on Committee Reports, be placed at the head of the General Orders calendar for consideration today:

Senate Bill No. 72

Senate Bill No. 190

Senate Bill No. 689

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

General Orders

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

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

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

Senate Bill No. 190, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1310.

Senate Bill No. 689, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 6 (MCL 388.1606), as amended by 1997 PA 93.

House Bill No. 4025, entitled

A bill to amend 1846 RS 14, entitled “Of county officers,” (MCL 55.107 to 55.117) by adding section 112a.

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

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

Senate Bill No. 716, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 1 (MCL 205.51), as amended by 1995 PA 209.

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

1. Amend page 3, line 16, after “USE” by inserting a comma and “RATHER THAN FOR RESALE. SALE AT RETAIL ALSO INCLUDES THE REAUTHORIZATION OF A PREPAID TELEPHONE CALLING CARD OR A PREPAID AUTHORIZATION NUMBER”.

2. Amend page 6, following line 25, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 721 of the 89th Legislature is enacted into law.”.

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

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

Senate Bill No. 721, entitled

A bill to amend 1937 PA 94, entitled “Use tax act,” by amending section 4 (MCL 205.94), as amended by 1996 PA 436.

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

1. Amend page 12, following line 11, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 716 of the 89th Legislature is enacted into law.”.

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

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

Senate Bill No. 664, entitled

A bill to amend 1943 PA 20, entitled “An act relative to the investment of surplus funds of political subdivisions of the state; and to validate certain investments,” by amending the title and sections 1 and 3 (MCL 129.91 and 129.93), the title as amended by 1988 PA 285 and section 1 as amended by 1988 PA 239, and by adding sections 5 and 6; and to repeal acts and parts of acts.

Substitute (S-1).

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

1. Amend page 2, line 2, after “may” by inserting “AUTHORIZE ITS INVESTMENT OFFICER TO”.

2. Amend page 3, following line 16, by inserting:

“(G) OBLIGATIONS OF THIS STATE OR ANY OF ITS POLITICAL SUBDIVISIONS THAT AT THE TIME OF PURCHASE ARE RATED AS INVESTMENT GRADE BY NOT LESS THAN 1 STANDARD RATING SERVICE.

(H) OBLIGATIONS DESCRIBED IN SUBDIVISIONS (A) THROUGH (G) WHEN PURCHASED THROUGH AN INTERLOCAL AGREEMENT UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

(I) INVESTMENT POOLS ORGANIZED UNDER THE SURPLUS FUNDS INVESTMENT POOL ACT, 1982 PA 367, MCL 129.111 TO 129.118, OR THE LOCAL GOVERNMENT INVESTMENT POOL ACT, 1985 PA 121, MCL 129.141 TO 129.150.”.

3. Amend page 3, line 25, after “to” by striking out the balance of the subsection and inserting “ASSETS AUTHORIZED FOR DIRECT INVESTMENT UNDER SUBSECTION (1).”.

4. Amend page 5, line 10, after “AUTHORITY” by inserting “OR AGENCY”.

5. Amend page 7, line 4, after “section 1.” by striking out the balance of the section and inserting “Section 2 of 1943 PA 20, MCL 129.92, is repealed.”.

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

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

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 504 and 514 (MCL 380.504 and 380.514), section 504 as amended and section 514 as added by 1994 PA 416.

Substitute (S-4).

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

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

Senate Bill No. 642, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 5502 (MCL 324.5502), as amended by 1995 PA 227.

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

1. Amend page 2, line 6, after “of” by inserting “such”.
2. Amend page 2, line 20, by striking out all of subsection (4).

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

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

Senate Bill No. 634, entitled

A bill to amend 1990 PA 271, entitled “Limousine transportation act,” (MCL 257.1901 to 257.1939) by adding section 8.

Substitute (S-1).

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

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

Senate Bill No. 684, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 311 (MCL 257.311), as amended by 1983 PA 63.

Substitute (S-2).

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

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

Senate Bill No. 520, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 3 (MCL 397.173).

Substitute (S-1).

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

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

Senate Bill No. 73, entitled

A bill to amend 1961 PA 88, entitled "Reciprocal retirement act," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

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

1. Amend page 2, line 6, after "unit." by inserting "IF THE MEMBER HAS WITHDRAWN THE ACCUMULATED DEPOSITS AND DOES NOT MAKE THE DEPOSIT OF THE AMOUNT INCLUDING INTEREST AS PRESCRIBED IN THIS SUBDIVISION, THE MEMBER IS CONSIDERED TO HAVE NO CREDITED SERVICE IN FORCE UNDER THIS SECTION, SECTION 5, OR SECTION 6."

2. Amend page 2, line 20, after "system," by inserting "ATTAINMENT OF THE MINIMUM AGE FOR AGE AND SERVICE RETIREMENT IF LESS THAN 60 YEARS,".

3. Amend page 3, line 4, after "system" by inserting "OR AGE 60, WHICHEVER IS LESS".

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

Resolutions

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

Senate Resolution No. 71

The motion prevailed.

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 49.

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 Western Michigan University relative to the Western Michigan University Science Facility.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Control of Western Michigan 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 Science Facility (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 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 cost of the Western Michigan University Science Facility shall not exceed \$42,400,000 (the Authority share is \$37,620,000, the State General Fund/General Purpose share is \$380,000, and the University share is \$4,400,000), 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 \$37,620,000, 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 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 \$3,449,684 to \$6,140,351, 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 sufficient amounts annually 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.

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

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 50.

A concurrent resolution approving an increase in the total project cost and a lease among the State of Michigan, the State Building Authority, and Western Michigan University relative to the Western Michigan University Power Plant Project.

Whereas, 1993 PA 19 established the Western Michigan University Power Plant Project (the "Facility") at a total project cost of \$21,500,000, of which \$21,499,000 was to be financed by the State Building Authority (the "Authority"); and

Whereas, Senate Concurrent Resolution No. 35 of 1997 subsequently established the total project cost of \$24,114,000, of which \$21,499,000 was to be financed by the Authority; \$2,614,000, by Western Michigan University (the "University"), and \$1,000 by the State of Michigan (the "State") general fund and approved a form of lease between the Authority, the State, and the University (the "Lease"); and

Whereas, Section 246 of the Management and Budget Act (1984 PA 431), being MCL § 18.1246, provides that the authorized costs of capital outlay projects may be revised by a concurrent resolution adopted by both houses of the Legislature; and

Whereas, The Legislature previously authorized in 1988 PA 300 and 1990 PA 253, a separate capital outlay project at the Facility to provide for compliance with federal EPA air quality regulations; and

Whereas, It was originally intended by the State that the Facility costs associated with satisfying EPA compliance regulations totaling \$1,168,000 would be financed by the Authority; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Legislature recognizes the need to increase the authorized cost of the Western Michigan University Power Plant Project and hereby increases the authorized cost by an amount not to exceed \$1,168,000, the total of which will be financed by the Authority; and be it further

Resolved, That the total authorized Facility cost established by Senate Concurrent Resolution No. 35 of 1997 is increased to an amount not to exceed \$25,282,000, plus interest charges on monies, if any, advanced by the State to meet construction cash flow requirements for the Facility. The Authority share is \$22,667,000, the University share is \$2,614,000, and the State General Fund/General Purpose share is \$1,000; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility (or the State acquiring the Facility and transferring it to the Authority) 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 \$1,931,225 and \$3,438,014 as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease 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 sufficient amounts annually 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.

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

Senator Gast offered the following concurrent resolution:

Senate Concurrent Resolution No. 51.

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 Wayne State University relative to the Wayne State University Undergraduate Library.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Governors of Wayne 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 Undergraduate Library (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 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 cost of the Wayne State University Undergraduate Library shall not exceed \$33,000,000 (the Authority share is \$25,999,900, the State General Fund/General Purpose share is \$100, and the University share is \$7,000,000), 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 \$25,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the 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 \$2,215,187 to \$3,943,531, 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 sufficient amounts annually 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.

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

House Concurrent Resolution No. 66.

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives and Senate meet in joint convention in the Hall of the House of Representatives, Thursday, October 23, 1997, at 10:45 a.m., to receive the State of the Judiciary message from the Honorable Conrad Mallett, Jr., Chief Justice of the Michigan State Supreme Court.

The House of Representatives has adopted the concurrent resolution.

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

Senator DeGrow moved that the rule be suspended.

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

The concurrent resolution was adopted.

Statements

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

The motion prevailed.

Senator A. Smith's statement is as follows:

I rise to discuss one of the issues that's been very close to my legislative agenda and that's the vote by mail issue. I was very dismayed to see that the Secretary of State appears to be stepping back from her commitment to do vote by mail in the state of Michigan and that she was particularly concerned with the time frame that the House has proposed in consideration of the bill that they have before them. She has suggested to the House that the date set for implementation, which is eight years out from today, is putting the cart before the horse. I seem to remember that in establishing a qualified voter file, the Legislature established a deadline that the Secretary of State's office was to meet.

One of my first concerns is that maybe the telegraphing of the fact that we are not actually going to be able to implement the qualified voter file on the time line that has been prescribed by the Legislature. This may be our first notice of the fact.

The other concern I have is the amount of money that we have allocated as a Legislature to the qualified voter file and the fact that perhaps the expenditures are not being currently used to fully implement the Legislature's intention that the file be ready for 1998.

Again, anything that slows down the qualified voter file is of great concern, but when we use that as an excuse not to implement another reform that will bring more voters into the election process, I think, is reprehensible. I really do regret the Secretary of State's urging on her part to the House committee.

Senator Shugars' statement is as follows:

Today I appreciate the support of my colleagues to support Senate Bill No. 689. As I said earlier, it's very important to have this bill become law. As a parent of a child who's eight years old, hopefully nothing like this would ever happen as far as to sexually assault her in school or on campus of a school or physically assault our daughter at school. But if that should ever happen, and if it does happen to parents at home, they have the opportunity now, if this becomes law, to be able to send their child to any school in the state of Michigan if they file with the law enforcement agency and the school that they're attending. I think this is very important and I applaud my colleagues to help out the parents that this bill will help out.

Also, today, on the Senator Cisky bill—as a parent, my wife works at a school and we talk about discipline or lack of discipline that occurs with some young people. Some of the young people are real disruptive and sometimes they get very mean and sometimes they go across the line. To have this tool available—we can have them taken out of that classroom and go to a charter school that focuses in on behavioral modification to deal with that young person's problems and help get them back on the right line so that helps them as an individual be a contributor to society rather than what's now currently happening. It's nice to know that the other children will have a safer environment and one that is more conducive for them to learn.

Committee Reports

The Committee on Education reported

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 504 and 514 (MCL 380.504 and 380.514), section 504 as amended and section 514 as added by 1994 PA 416.

With the recommendation that the substitute (S-4) be adopted and that the bill then pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

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

The Committee on Education reported

Senate Bill No. 190, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1310.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 202, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 3, 5, 6, 11a, 613, 616, 617, 661, 687, 701, 702, 703, 705, 856, 857, 858, 859, 860, 861, 932, 945, 1361, and 1732 (MCL 380.3, 380.5, 380.6, 380.11a, 380.613, 380.616, 380.617, 380.661, 380.687, 380.701, 380.702, 380.703, 380.705, 380.856, 380.857, 380.858, 380.859, 380.860, 380.861, 380.932, 380.945, 380.1361, and 380.1732), sections 3, 5, 6, and 687 as amended and section 11a as added by 1995 PA 289, section 617 as amended by 1989 PA 268, section 703 as amended by 1981 PA 87, section 705 as amended by 1994 PA 258, sections 857 and 858 as amended by 1992 PA 263, and section 945 as added by 1984 PA 154, and by adding sections 1206 and 1351c; and to repeal acts and parts of acts.

With the recommendation that the bill be referred to the Committee on Government Operations.

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee on Government Operations.

The Committee on Education reported

Senate Bill No. 313, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1311a.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

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

The Committee on Education reported

Senate Bill No. 689, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 1997 PA 93.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 755, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 776.22) by adding section 15 to chapter IX.

With the recommendation that the bill pass.

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

Joanne G. Emmons
Chairperson

To Report Out:

Yeas: Senators Emmons, DeGrow, Schuette, DeBeaussaert and Peters

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submits the following:

Meeting held on Tuesday, October 14, 1997, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), DeGrow, Schuette, DeBeaussaert and Peters

Senator DeGrow moved that the Senate adjourn.

The motion prevailed, the time being 11:59 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, October 16, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.