

No. 19
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Wednesday, March 1, 2000.

10:00 a.m.

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

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

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

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

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

Senator Beverly S. Hammerstrom of the 17th District offered the following invocation:

Lord, we ask that You watch over us today as we gather to deliberate legislation that will benefit the citizens of our wonderful state. We thank You for those who have dedicated their lives to this worthy cause and ask You to watch over them and provide them with the wisdom and compassion needed for this difficult task. As we debate today, Lord, let us each remember that all power comes from You, and it is only through Your grace and glory that we hold our positions of authority.

We thank You for the opportunity to serve the people of Michigan and to serve You as the Creator of all who reside within the borders of this beautiful state.

Our prayers go out today also to the citizens of Mount Morris and the tragedy that they incurred yesterday. We hope that this will not be repeated in our state.

In Thy holy name we pray. Amen.

Senators Jaye, Emmons, McManus and Johnson entered the Senate Chamber.

Motions and Communications

Senator V. Smith moved that Senator Murphy be excused from today's session.
The motion prevailed.

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

Senator Rogers moved that Senators Bullard and Hoffman be excused from today's session.
The motion prevailed.

The following communication was received:
Department of State

Administrative Rules Notice of Filing

February 2, 2000

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 4:00 p.m. this date, administrative rule (00-02-01) for the Department of State, Bureau of Elections, entitled "*Campaign Financing*," effective 15 days hereafter.

Sincerely,
Candice S. Miller
Secretary of State
James Fackler, Acting Supervisor
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communication was received and read:
Office of the Secretary of the Senate

March 1, 2000

This is to inform you that Pam Nyquist has been appointed the Assistant Secretary of the Senate.

Sincerely,
Carol Morey Viventi, J.D.
Secretary of the Senate

The Secretary announced that the following House bills were received in the Senate and filed on Tuesday, February 29:
House Bill Nos. 4032 5389 5390 5391 5392 5393

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

- Senate Bill No. 1035**
- Senate Bill No. 1036**
- Senate Bill No. 1037**
- Senate Bill No. 1038**
- Senate Bill No. 1039**
- Senate Bill No. 1040**

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

Messages from the Governor

The following message from the Governor was received and read:

February 29, 2000

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

Grape and Wine Industry Council

Mr. Sean O’Keefe, 12301 Center Road, Traverse City, Michigan 49686, county of Grand Traverse, as a member representing wine makers, succeeding Mr. Mark B. Johnson of Traverse City, whose term has expired, for a term expiring on October 9, 2001.

Sincerely,
John Engler
Governor

The appointment was referred to the Committee on Government Operations.

Senators Dunaskiss and Schuette entered the Senate Chamber.

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

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

House Bill No. 4620, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1224 (MCL 500.1224), as amended by 1981 PA 1.

The above bill was read a third time.

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. 34

Yeas—35

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

Nays—0

Excused—3

Bullard	Hoffman	Murphy
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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 revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Schwarz, designated Senator Young 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 bills:

House Bill No. 4807, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 18826 and 18827.

House Bill No. 4903, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18802 and 18838 (MCL 333.18802 and 333.18838), section 18802 as amended by 1982 PA 353.

Senate Bill No. 1036, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30d (MCL 206.30d), as added by 1997 PA 81.

Senate Bill No. 1039, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 1996 PA 484.

Senate Bill No. 1035, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51c (MCL 206.51c), as added by 1999 PA 3; and to repeal acts and parts of acts.

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

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

Senate Bill No. 1037, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

Substitute (S-2).

The Senate agreed to the substitute recommended by the Committee of the Whole and the bills 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. 1038, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 30e.

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. 1040, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35a (MCL 208.35a), as added by 1999 PA 115.

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.

Resolutions

Senate Concurrent Resolution No. 30.

A concurrent resolution calling for better access to credit for farmers, food processors, and agricultural cooperatives. The question being on the adoption of the concurrent resolution, The concurrent resolution was adopted.

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

Senate Resolution No. 132**Senate Resolution No. 134**

The resolution consent calendar was adopted.

Senators Van Regenmorter, Rogers, McManus, North, McCotter, Dingell, Byrum, DeBeaussaert, A. Smith, Young, Emerson, Miller, Cherry, Stille, Leland, Hart, Peters, Vaughn, Koivisto, Gast, Goschka, Bullard, Steil, Shugars, Hammerstrom, Schuette, Bennett, Johnson, Gougeon, Sikkema, Dunaskiss, Jaye, Emmons, Murphy and Schwarz offered the following resolution:

Senate Resolution No. 132.

A resolution commemorating the week of May 14-20, 2000, as Michigan Police Week.

Whereas, The members of the Michigan Senate consider it an honor to join in the commemoration of Michigan Police Week, May 14-20, 2000. During this occasion, tribute will be paid to the men and women who have fallen in the line of duty and to those who continue to lay their lives on the line for the public good; and

Whereas, Police officers daily face great jeopardy as they work diligently to enforce the laws and protect our citizens. A police officer's life is one of great personal sacrifice, as are the lives of their families and loved ones. When the life of one officer is lost in the line of duty, there is a sorrow and sense of great loss that permeates an entire community; and

Whereas, Michigan Police Week offers an opportunity to acknowledge and express gratitude to law enforcement officers who have paid the supreme price for our safety with their lives, as well as those who survived and continue their dedicated efforts on our behalf. As a precursor to the events of Michigan Police Week, the Michigan Concerns of Police Survivors (MI-COPS) will hold the seventh annual state of Michigan "Peace Officers Candlelight Memorial Service" on Monday, May 8, 2000. Law enforcement agencies from across the state will gather at the State Capitol to honor law enforcement heroes, show strength and unity in the law enforcement community, and gather in love and support for police survivors; and

Whereas, In support of Michigan Police Week and in memory of police officers killed in the line of duty, many will display a blue ribbon during the month of May. This ribbon will symbolize honor and pay tribute to those who have selflessly protected our communities; now, therefore, be it

Resolved by the Senate, That the members of the Michigan Senate hereby commemorate Michigan Police Week and join in offering a memorial to law enforcement officers killed in the line of duty and to surviving officers; and be it further

Resolved, That a copy of this resolution be transmitted to MI-COPS as evidence of our respect.

Senator Bullard offered the following resolution:

Senate Resolution No. 134.

A resolution honoring the career of Pat Hackett.

Whereas, It is with the highest esteem that we recognize and honor Pat Hackett for his long and distinguished career. His contributions to both the field of law and the railroad industry have been of great importance to all those he has worked with. We would like to take this opportunity to recount a few highlights from the remarkable career of the "undisputed dean" of the Michigan railroad counsel; and

Whereas, A 1950 graduate of the University of Detroit's law school, Pat Hackett began his career as assistant to the general attorney in Detroit for the New York Central Railroad Company. He began his work in the legislative field on behalf of the Michigan Railroads Association. Over the years, Pat served New York Central Railroad Company in legislative affairs regarding the federal Transportation Act of 1958 and as their chief trial attorney in Detroit. He later became general attorney for Penn Central Transportation's Northern Region in 1970, general attorney in Detroit for Conrail in 1976, and entered private practice with Frasco, Hackett, & Durkin in 1978. During his career, he has been a familiar face in Michigan courts. Pat is well-respected for his integrity and tenacity by colleagues, opponents, and judges alike; and

Whereas, In addition to his storied career, Pat Hackett was elected president of the National Association of Railroad Trail Counsel in 1973 and chairman of its Executive Committee, on which he still serves, is a life member of the Sixth Circuit Court's Judicial Conference and past chairman of the Michigan delegation, former president of the Michigan Railroad Lawyers' Association, and authored a complete revision of the Michigan railroad code in 1993. He is a great teacher, and all who came under his tutelage benefitted from his patient and sage guidance. His contributions will long be remembered by those whose lives and businesses he has been a part of; now, therefore, be it

Resolved by the Senate, That we offer this expression of our appreciation for the wonderful work and accomplishments of Pat Hackett and extend our warmest wishes and congratulations to him upon his retirement; and be it further

Resolved, That a copy of this resolution be transmitted to Pat Hackett as evidence of our highest esteem for him and all that he has done.

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

Senator Stille offered the following resolution:

Senate Resolution No. 133.

A resolution to memorialize the Congress of the United States to provide adequate funding for Michigan's Remedial Action Plans for Areas of Concern under the Great Lakes Water Quality Agreement.

Whereas, The United States-Canada Great Lakes Water Quality Agreement of 1972, as amended, provided for the designation of Areas of Concern in need of remedial actions to address documented pollution problems; and

Whereas, Fourteen Areas of Concern have been designated in Michigan, each with a Remedial Action Plan process that coordinates and focuses the efforts of multiple levels of government and other stakeholders; and

Whereas, Many of Michigan's Remedial Action Plans are entering the implementation phase, when funding for technical guidance and coordination by state agency staff is critically important; and

Whereas, The United States Environmental Protection Agency (EPA) has traditionally supported state Area of Concern efforts. This is consistent with the EPA's responsibilities under the Great Lakes Water Quality Agreement; and

Whereas, Funding through the EPA is vital to leveraging funding through the Clean Michigan Initiative environmental bond program to implement measurable environmental improvements in Michigan's fourteen Areas of Concern; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to reaffirm its support for and federal role in the Areas of Concern program by allocating a minimum of \$7.5 million for the Great Lakes Areas of Concern in Fiscal Year 2001; and be it further

Resolved, That we urge that no less than \$1.0 million of this total be allocated by the EPA for efforts within the state of Michigan to develop and implement Remedial Action Plans and associated activities under the Great Lakes Water Quality Agreement; and be it further

Resolved, That we urge that these funds be allocated to provide no less than \$700,000 for Michigan Department of Environmental Quality staff; \$125,000 for Statewide Public Advisory Council activities; and \$175,000 for support to individual Public Advisory Councils within the Areas of Concern; and be it further

Resolved, That we urge that funding support for the EPA be used to leverage substantial resources from the Clean Michigan Initiative environmental bond program for contaminated sediment remediation, nonpoint source pollution control, brownfields redevelopment, and other critical efforts; and be it further

Resolved, That copies of this resolution be transmitted to the Administrator of the EPA, the EPA's Region 5 office, the EPA's Great Lakes National Program Office, the International Joint Commission, 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 Rogers moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

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

House Concurrent Resolution No. 80.

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 State Police Two-Way Radio System and Microwave Backbone System Phase III.

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

Whereas, Providing facilities and equipment to be used by the State pursuant to a lease for the Facilities is a recognized public purpose; and

Whereas, 1995 PA 128 appropriated \$187,276,000 (State Building Authority share \$184,426,000; state general fund share \$2,850,000) to complete plans and construct the Department of State Police public safety communications system; and

Whereas, The public safety communication system known as the Department of State Police Two-Way Radio System and Microwave Backbone System is to be constructed in four phases; and

Whereas, By Senate Concurrent Resolution No. 288 of 1996, adopted by the Senate and House of Representatives on December 3 and December 11, 1996, respectively, the Legislature approved the conveyance of property and a Lease for Phase I of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$35,211,085, plus interest charges on monies advanced by the State, of which not more than \$34,890,000 plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 100 of 1998, passed by the Senate and House of Representatives on December 2 and December 8, 1998, respectively, the Legislature approved the conveyance of property and a Lease for Phase II of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$42,660,808, plus interest charges on monies advanced by the State of which not more than \$42,660,808, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, The sites for Phase III of the Department of State Police Two-Way Radio System and Microwave Backbone System are located in Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Crawford, Emmett, Grand Traverse, Huron, Iosco, Kalkaska, Kent, Lake, Leelanau, Macomb, Manistee, Mecosta, Midland, Missaukee, Montmorency, Muskegon, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Wexford Counties (the sites and related equipment together, the "Facilities") and are currently owned by the State; and

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

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

Resolved by the House of Representatives (the Senate concurring), That the total cost of the Department of State Police Two-Way Radio System and Microwave Backbone System Phase III consisting of the Facilities shall not exceed \$58,964,403, plus interest charges on monies advanced to meet the construction cash flow requirements of the Facilities, if any, of which not more than \$58,964,403, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, 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 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 approves the Authority acquiring the Facilities and leasing them to the State and determines that the leasing of the Facilities 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 Facilities shall not be less than \$6,824,000 and not more than \$13,937,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

House Concurrent Resolution No. 81.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Oakland University relative to the Oakland University Classroom/Business School Building.

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

Whereas, The site for the Oakland University Classroom/Business School Building (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Oakland University Classroom/Business School Building shall not exceed \$17,500,000 (the Authority share is \$13,124,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$4,375,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$13,124,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,240,000 to \$2,125,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

House Concurrent Resolution No. 82.

A concurrent resolution to change the scope of the Technology Education Building project at Washtenaw Community College.

Whereas, The Washtenaw Community College Technology Education Building project was authorized with a total cost of \$21,000,000 in 1996 PA 480; and

Whereas, Washtenaw Community College has estimated that the total cost to complete the Technology Education Building has increased to \$21,121,600; and

Whereas, Washtenaw Community College has agreed to fund the increase in the project cost of \$121,600, with the state commitment remaining at \$10,500,000; and

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

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Washtenaw Community College Technology Education Building project to an amount not to exceed \$21,121,600 (State Building Authority share \$10,499,900; State General Fund/General Purpose share \$100; and Washtenaw Community College share \$10,621,600) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and Washtenaw Community College.

The House of Representatives has adopted the concurrent resolution.

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

Senator Rogers moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Johnson, Stille, Bullard and Sikkema introduced

Senate Bill No. 1049, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4w (MCL 205.54w), as added by 1999 PA 116.

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

Senators Stille, Johnson, Bullard and Sikkema introduced

Senate Bill No. 1050, entitled

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

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

Senator McManus introduced

Senate Bill No. 1051, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8151 and 8152 (MCL 600.8151 and 600.8152), section 8152 as amended by 1990 PA 54.

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

Senators Johnson, Emmons and Hammerstrom introduced

Senate Bill No. 1052, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 14 and 19b (MCL 712A.14 and 712A.19b), section 14 as amended by 1998 PA 474 and section 19b as amended by 1998 PA 530, and by adding section 19d.

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

Senators Emmons, Johnson and Hammerstrom introduced

Senate Bill No. 1053, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 135 (MCL 750.135).

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

Senators DeBeaussaert, Young, Cherry, Miller, Peters, A. Smith, Byrum and V. Smith introduced

Senate Bill No. 1054, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 20, 20j, and 51a (MCL 388.1611, 388.1620, 388.1620j, and 388.1651a), sections 11, 20, and 51a as amended and section 20j as added by 1999 PA 119.

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

House Bill No. 4032, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 1996 PA 484.

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 Finance.

House Bill No. 5389, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51c (MCL 206.51c), as added by 1999 PA 3; and to repeal acts and parts of acts.

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 Finance.

House Bill No. 5390, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as added by 1997 PA 81.

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 Finance.

House Bill No. 5391, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

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 Finance.

House Bill No. 5392, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 30e.

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 Finance.

House Bill No. 5393, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 1996 PA 484.

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 Finance.

Statements

Senators Young, Shugars, Jaye, Cherry, DeGrow and Miller asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Young's statement is as follows:

I'm happy to report that yesterday the Baseball Hall of Fame in Cooperstown, New York, inducted its first Detroit star player. Norman "Turkey" Stearnes, a truly gifted athlete who played with Detroit's Negro Baseball League, was elected to this prestigious club by his peers.

Mr. Stearnes retired in 1946, a year before major league baseball was desegregated. Many baseball fans and authorities believe his achievements have been neglected because of error. But this long overdue recognition has finally been granted. While many of us wish Mr. Stearnes had received baseball's highest honor during his lifetime like another Detroit great, Sparky Anderson, who we also celebrate today, we are thrilled that one of Detroit's legends is now in Cooperstown.

I would like to thank Mr. John McHale, Jr., president and chief executive officer of the Detroit Tigers, for his help, as well as his dad, senior, another father and son team. I would also like to thank each of you for supporting Senate Resolution No. 108, which endorsed Mr. Stearnes. Each of you can be proud of having helped make history. This is an example of everyone on the bus doing their job, and that's why Turkey Stearns is in the Hall of Fame.

Senator Shugars' statement is as follows:

I rise to share with my colleagues. First of all, when I first became a state Senator, I had to retire from refereeing basketball for 21 years. Last night a fellow colleague of all of ours, Senator Leon Stille, did his last basketball game—Spring Lake and Muskegon Christian.

After 41 years of officiating boys and girls basketball, both at the high school and college levels, that's over almost five decades. Forty-one years is quite a thing. Just imagine how many times he blew the whistle in 41 years. A lot of air went through that whistle to make good calls, and I just am awed by 41 years of officiating basketball. He told me last week he didn't miss one call in 41 years.

I would like to ask my colleagues to give congratulations for 41 years of officiating to Leon Stille. Leon, congratulations!

Senator Jaye's statement is as follows:

Yesterday, the state of Michigan witnessed a major tragedy where in Mount Morris Township in Buell Elementary School a six-year-old shot and killed one of his first grade classmates to death. Our hearts go out to the parents and children whose innocence has been stolen from them. Holding accountable the parent, the guardian, or the supervisor who negligently and recklessly allowed a six-year-old to gain access to a pistol must be the first response to this tragedy.

Apparently, according to news reports, the child's father is in jail for a parole violation of a burglary. The mother is not around, and the child was in the custody of an uncle, who according to the neighbors, was running a crack house. Police, according to reports, also found an illegal shotgun and other firearms in this house where this six-year-old was living.

Some people have asked, "Well, what can we do as legislators?" We have now in Michigan state laws that require the schools to report violence. The sheriff in that area said that this individual had stabbed one of the other schoolmates with a pencil and had gotten into fights with some of the other classmates.

We have laws that require the schools to report acts of violence of the schoolchildren to the police officials. We have passed laws that require the expulsion for a year of children who bring firearms to school. We have a ban on firearms in the school areas, and we also have negligent homicide laws. What, then, can we do?

Well, holding the adults or the supervisors responsible for the child certainly is of first order, but I would also call attention to President Clinton's crime bill, the Juvenile Firearms Transfer Act, to point out the lack of enforcement of this act. In 1997, the U.S. Justice Department only pursued five prosecutions, not convictions, but five prosecutions under the bill. In 1998, they improved their record by having only six prosecutions in the entire state with the full force of the federal prosecutors under the juvenile firearms transfers provisions.

The Brady bill is perhaps the most well-known piece of firearms legislation in Michigan's recent history. Has anyone heard about President Clinton's claim that 250,000 felons have been stopped from getting firearms because of the Brady bill that checks? Guess how many of these convicted felons out of 250,000 had been tried by federal prosecutors for illegally attempting to purchase firearms? Nine. Only nine out of 250,000 felons.

What have other countries done to try to stop these terrorist acts? Well, more than 20 years ago in Israel, there were many incidents of terrorists pulling out firearms and firing away at civilians in town squares and taking students hostage. However, when expanded carrying concealed handgun legislation was granted to Israeli citizens, Israeli teachers and principals, terrorists soon found out that ordinary people were protecting children and themselves against terrorists. There have not been any more hostage situations or shooting situations in Israeli schools in the last 20 years.

How about in Michigan? In Edinboro, Pennsylvania, that left one teacher dead, the student shooter was stopped only after a bystander, a cafeteria worker, was able to pull out a firearm and hold that student down until police arrived. In Pearl, Mississippi, Joel Myrick, who is the assistant supervisor, was able to cut short a shooting spree after he was able to get his pistol retrieved from his car and physically immobilized the shooter while waiting for the police. Time after time after time, we have a failure for law enforcement at the federal level to prosecute the bad guys and from implementing the legislation that we have passed. I don't know if there is any law that would have prevented propane bombs at Columbine, Colorado, plastic explosives in different areas, or any other kind of terrorist attack, but I do believe that it is important for us to send a message to whoever is the parent, guardian, or supervisor of a youngster that if you allow through reckless or negligent behavior for these children to get access to firearms, you will swiftly and surely and with the full force of the law face prosecution and accountability for the action of the children who are under your supervision.

Senator Cherry's statement is as follows:

The previous speaker was referring to an incident that occurred in my district yesterday. It is a very tragic and sad event. It probably does mean that at some point in the future there needs to be a debate or discussion, perhaps legislation, that deals with the question of parental responsibility. But, Mr. President, I think the first thing that strikes me is that the tragedy is first to the family of the young girl and perhaps even to the young boy who was the shooter. Now's not the time that either of these real human beings who have suffered real consequences be used as political props between the right and the left on a debate involving firearms.

I think right now our focus needs to be on that community, that school, those students, and that family, helping them to cope with the circumstances of the tragedy and to help console them in their grief. While we focus on that first and

foremost priority, those who are charged with the responsibility of determining the facts of the incident will go about their business. In fact, there are a lot of conflicting descriptions of what occurred, who's involved, and the circumstances surrounding the whole sad event—much of that is, in fact, rumor, speculation, and the circumstances are really yet to be determined.

I would urge the body—rather than treat these students, treat the victim, treat the shooter, or treat the community as a political prop—that we focus, momentarily, on the tragedy of the situation and the sadness that it brings to those involved, reach out, and offer them our hearts as a small token of assistance in their time of grief and trouble. Avoid, in fact, Mr. President, the kind of political discussions that we have just heard in the Senate and have read in the papers, do the right thing first, and leave the debate to a more appropriate time.

Senator DeGrow's statement is as follows:

With yesterday being Carol Linteau's last day, we have a new person up front today. I just want to take this opportunity on behalf of the Senate to welcome Pam Nyquist to her new position and wish her well as she becomes a media star in coming weeks. We have a new face up there.

So welcome!

Senator Miller's statement is as follows:

It gives me great pleasure to see a former employee of mine, who I like to take credit for discovering 15 years ago. I wish that my colleagues here on the floor could have seen her 15 years ago running around the House chambers and working in the fiscal agency, so she claimed. Anyway, it's been a real privilege for me to not only work with this fine woman, but also to get to know her personally. She is an outstanding person who not only cares about every person who works in the Capitol Building from the interns here all the way up to the Senate members but she finds time to listen to your problems and hopes to find a solution. I think the Michigan Senate is privileged to have a woman of her character and her leadership work here because, believe me, she deserves it. She has done a great job for this caucus, and she's going to do a better job for the entire Senate.

Congratulations, Miss Nyquist. I know that our legislation will be better with you up there.

Committee Reports

The Committee on Finance reported

Senate Bill No. 1035, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51c (MCL 206.51c), as added by 1999 PA 3; and to repeal acts and parts of acts.

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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1036, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30d (MCL 206.30d), as added by 1997 PA 81.

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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1037, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 1999 PA 181.

With the recommendation that the substitute (S-2) 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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1038, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 30e.

With the recommendation that the substitute (S-1) 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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

The Committee on Finance reported

Senate Bill No. 1039, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 522 (MCL 206.522), as amended by 1996 PA 484.

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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

Senate Bill No. 1040, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 35a (MCL 208.35a), as added by 1999 PA 115.

With the recommendation that the substitute (S-1) 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, Bullard, Hammerstrom, Peters and Dingell

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submits the following:

Meeting held on Tuesday, February 29, 2000, at 1:05 p.m., 8th Floor Conference Room, Farnum Building

Present: Senators Emmons (C), Bullard, Hammerstrom, Peters and Dingell

Scheduled Meetings

Agriculture Appropriations Subcommittee - Wednesday, March 8, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1725).

Banking and Financial Institutions Committee - Thursday, March 2, at 2:30 p.m., Room 210, Farnum Building (3-1801).

Community Health Appropriations Subcommittee - Tuesday, March 7, at 2:00 p.m., Rooms 402 and 403, Capitol Building (3-1777).

Economic Development, International Trade and Regulatory Affairs Committee - Tuesday, March 7, at 1:00 p.m., Room 110, Farnum Building (3-7946).

Education Department Appropriations Subcommittee - Thursday, March 2, at 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635).

Higher Education Appropriations Subcommittee - Friday, March 3, at 10:00 a.m., Lawrence Technological University, 21000 W. Ten Mile Road, Southfield; Wednesday, March 8, at 1:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building; Friday, March 10, at 10:00 a.m., Ferris State University Grand Rapids Campus and Tuesday, March 14, at 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-3447).

Natural Resources and Environmental Affairs Committee - Monday, March 6, at 6:00 p.m., Saginaw Valley State University, Curtis Hall - Seminar D, 2250 Pierce Road, University Center; Thursday, March 23, at 6:00 p.m., Northwestern Michigan College, Oleson Center - Rooms 1 and 2, 1701 E. Front Street, Traverse City; Thursday, April 6, at 6:00 p.m., Lake Superior State University, Cislser Student and Conference Center - Ontario-Michigan Room, 650 Easterday Avenue, Sault Ste. Marie; and Monday, April 10, at 6:00 p.m., Monroe City Hall, Council Chamber, 120 E. First Street, Monroe (3-0797).

School Aid Appropriations Subcommittee - Tuesday, March 7, at 3:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (3-1635).

Senator Rogers moved that the Senate adjourn.
The motion prevailed, the time being 10:56 a.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, March 2, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

