

No. 1
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2004

Senate Chamber, Lansing, Wednesday, January 14, 2004.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 92nd Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2004), at twelve o'clock noon, and were called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

District	Name	District	Name
1st	Hansen Clarke	20th	Thomas M. George
2nd	Martha G. Scott	21st	Ron Jelinek
3rd	Irma Clark-Coleman	22nd	Valde Garcia
4th	Samuel Buzz Thomas III—excused	23rd	Virg Bernero
5th	Burton Leland	24th	Patricia L. Birkholz
6th	Laura M. Toy	25th	Judson S. Gilbert II
7th	Bruce Patterson	26th	Deborah Cherry
8th	Raymond E. Basham	27th	Robert L. Emerson
9th	Dennis Olshove	28th	Kenneth R. Sikkema
10th	Michael Switalski	29th	Bill Hardiman
11th	Alan Sanborn	30th	Wayne Kuipers
12th	Michael D. Bishop	31st	Jim Barcia
13th	Shirley Johnson	32nd	Mike Goschka
14th	Gilda Z. Jacobs	33rd	Alan L. Cropsey
15th	Nancy Cassis	34th	Gerald Van Woerkom
16th	Cameron Brown	35th	Michelle McManus
17th	Beverly S. Hammerstrom	36th	Tony Stamas
18th	Liz Brater	37th	Jason E. Allen
19th	Mark Schauer	38th	Michael Prusi

Senator Valde Garcia of the 22nd District offered the following invocation:

Our Heavenly Father, we thank You for this new year that You have given us. We thank You for this new day with the snow that You have provided. We just ask that You provide protection for those who are traveling on the roads today, that You will grant them safety.

Lord, we thank You for this opportunity to serve the people. We just ask for wisdom for all of us—for our Governor, for our President, and for our Congress—people whom You will help, and help us make the right decisions.

We pray for our troops who are defending us overseas—who are serving our country. We ask that You will watch over them and protect them as well.

We ask for Your blessings today, for it is in Jesus' name we pray. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Hammerstrom moved that the following bills, now on the order of General Orders, be referred to the Committee on Appropriations:

Senate Bill No. 823, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 504, 517, 518, 542, 549g, 803, 810a, 8117, 8142, 8162, and 8163 (MCL 600.504, 600.517, 600.518, 600.542, 600.549g, 600.803, 600.810a, 600.8117, 600.8142, 600.8162, and 600.8163), sections 504, 517, 803, and 810a as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8117 as amended by 1997 PA 161.

Senate Bill No. 829, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

The motion prevailed.

Senator Schauer moved that Senators Barcia and Olshove be temporarily excused from today's session.

The motion prevailed.

Senator Schauer moved that Senator Thomas be excused from today's session.

The motion prevailed.

The following communication was received:
Department of State

Administrative Rules
Notice of Filing

December 23, 2003

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 10:21 a.m. this date, administrative rule (03-12-04) for the Department of Labor and Economic Growth, Director's Office, entitled "*Real Estate Appraiser*," effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Secretary for record.

The following communications were received:
Office of the Auditor General

December 30, 2003

Enclosed is a copy of the following audit report:
Financial audit, including the provisions of the Single Audit Act, of the Department of Transportation for the period October 1, 2000 through September 30, 2002.

December 30, 2003

Enclosed is a copy of the following audit report:

Performance Audit of the Michigan Council for Arts and Cultural Affairs, Department of History, Arts and Libraries.

January 13, 2004

Enclosed is a copy of the following audit report:

Performance audit of the Driver Licensing and Vehicle Registration Processes, Bureau of Branch Office Services and Bureau of Driver and Vehicle Records, Department of State.

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

The communications were referred to the Secretary for record.

The Secretary announced that the following official bills and joint resolution were printed on Monday, January 5, and are available at the legislative Web site:

House Bill Nos. 5392 5393 5394 5395 5396 5397 5398 5399 5400 5401 5402 5403 5404 5405
House Joint Resolution S

Messages from the Governor

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

Senate Bill No. 195
Senate Bill No. 364
Senate Bill No. 293
Senate Bill No. 265
Senate Bill No. 288
Senate Bill No. 540
Senate Bill No. 283
Senate Bill No. 464
Senate Bill No. 466
Senate Bill No. 395
Senate Bill No. 687

The motion prevailed.

The following messages from the Governor were received and read:

January 6, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501:

Commission of Natural Resources

Ms. Mary C. Brown, a Democrat, of 1624 Grand Avenue, Kalamazoo, Michigan 49006, county of Kalamazoo, succeeding James E. Campbell, whose term has expired, for a term commencing January 6, 2003 and expiring December 31, 2007.

Mr. Gerald R. Hall, Jr., a Democrat, of 13122 Bird Road, Gaines, Michigan 48436, county of Genesee, succeeding Paul J. Eisele, whose term has expired, for a term commencing January 6, 2003 and expiring December 31, 2007.

January 12, 2004

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 3 of Article V of the Michigan Constitution of 1963 and Section 3 of The Social Welfare Act, 1939 PA 280, MCL 400.3:

Director of the Family Independence Agency

Ms. Marianne Udow of 2280 Gale Road, Ann Arbor, Michigan 48105, county of Washtenaw, succeeding Nannette Bowler, who has resigned, appointed for a term effective January 12, 2004, to serve as Director at the pleasure of the Governor.

Sincerely,
 Jennifer M. Granholm
 Governor

The appointments were referred to the Committee on Government Operations.

The following message from the Governor was received and read:

FINANCIAL INSTITUTIONS; OTHER; PROVIDE FOR REGULATION AND LICENSING OF DEFERRED PRESENTMENT SERVICE PROVIDERS AND TRANSACTIONS

January 9, 2004

I have vetoed and am returning Enrolled Senate Bill 474 for your reconsideration.

While I support the intent of this legislation and acknowledge the need to create a regulatory framework designed to protect Michigan workers from fraud, abuse, and other unlawful activity associated with payday lending, our constituents deserve better.

Senate Bill 474 would allow a lender to charge a transaction fee as high as 13.25% of the face amount of a check or checks given to secure a payday loan, resulting in an effective rate as high as 15.27% on a \$500 check. That percentage is too high. Florida, for example, caps the rate at 10% with an optional fee of up to \$5 for the same service.

Additionally, I have previously signed Public Act 215 of 2003 that will provide an alternative to high-rate payday loans by allowing credit unions to offer loans of up to \$1,000 for 30 days with a maximum fee of only 10%.

To achieve sufficient protections against unscrupulous lenders, I pledge the full cooperation of my administration, including the Office of Financial and Insurance Services. Let us proceed together in developing a regulatory framework that provides sufficient safeguards for Michigan workers at more reasonable rates.

Accordingly, I return Enrolled Senate Bill 474 without signature as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

Respectfully,
Jennifer M. Granholm
Governor

This bill was returned from the Governor on January 9, 2004, at 2:59 p.m.

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Senator Hammerstrom moved that further consideration of the bill be postponed for today.

The motion prevailed.

Messages from the House

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

Senate Bill No. 506

Senate Bill No. 557

Senate Bill No. 806

Senate Bill No. 502

The motion prevailed.

The following message was received and read:

January 14, 2004

I hereby notify you that a quorum of the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Gary L. Randall, Clerk
House of Representatives

Senators Olshove and Barcia entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Hammerstrom moved that a respectful message be sent to the House requesting the return of the following bill:

House Bill No. 4236

The motion prevailed.

By unanimous consent the Senate proceeded to the order of
Resolutions

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

Senate Resolution No. 175

Senate Resolution No. 139

The motion prevailed.

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

Senate Resolution No. 206

The resolution consent calendar was adopted.

Senator Bernero offered the following resolution:

Senate Resolution No. 206.

A resolution honoring the 50th Anniversary of WKAR-TV and the launch of its new digital station, WKAR-DT.

Whereas, It is a privilege to acknowledge and celebrate January 15, 2004, as the 50th Anniversary of WKAR-TV, where local programming has been the cornerstone of its commitment to the community, signing on the air as Channel 60, a new educational television station licensed to the Board of Trustees at Michigan State University; and

Whereas, At 11:07:25 a.m. on January 15, 2004, WKAR-TV will launch its new digital high definition television station, WKAR-DT; and

Whereas, Since 1954, WKAR has grown from a small operation, initially housed in a Kalamazoo Street Quonset hut where Breslin Center now stands, to taking residence at its current location in Michigan State University's Communication Arts and Sciences building in 1981; and

Whereas, WKAR is the second-oldest public television station still operating in the United States and the oldest east of the Mississippi River; and

Whereas, In 1954, WKAR's 1,034-foot broadcast tower on Dobie Road was the third tallest structure in the world, after the Empire State Building and the Chrysler Building; and

Whereas, Beginning in 1959 and through the 1960s, WKAR shared Channel 10 with WILX-TV and carried the call letters WMSB; and

Whereas, The station has a long history of local commitment with programming focusing on the mid-Michigan community and Michigan State University, along with ongoing series that emphasize issues affecting residents of the state of Michigan; and

Whereas, The Emmy Award-winning investigative documentary series, "Michigan At Risk," enjoys a statewide audience, as does the weekly political affairs series, "Off the Record," while programs like "QuizBusters," "QB JR.," and "Zoom Into Action" segments highlight the accomplishments of young people in mid-Michigan; and

Whereas, WKAR-TV has been recipient of several Emmy Awards, the highest honor in the broadcasting industry, as well as numerous other local, regional, and national honors; and

Whereas, Initial programming was primarily educational in focus, with titles like "Let's Visit School," "Symphony Notebook," "Campus Matinee," "Driver Education," and "How to Catch a Cold" airing on its first day; and

Whereas, WKAR-TV received recognition for its first remote broadcast of the House Un-American Activities Subcommittee at the State Capitol; and

Whereas, The station's commitment to community service includes outreach programs that have focused on a variety of social and medical issues, including end-of-life, substance abuse and addiction, chemical dependency, AIDS, the environment, breast and prostate cancer, and domestic violence. Alzheimer's disease will be the focus of its outreach effort for 2004; and

Whereas, WKAR's Ready To Learn Service provides more than 600 workshops to parents, teachers, and childcare providers each year, affecting more than 8,000 children throughout mid-Michigan; and

Whereas, The station has evolved to include the Internet, with the introduction of its website WKAR.org and digital television. Technology has made it possible for WKAR to reach a wider audience and viewers throughout the world through cable, satellite, and online programming; now, therefore, be it

Resolved by the Senate, That the members of this legislative body commemorate the 50th Anniversary of WKAR-TV and commend the past and present administration and the Michigan State University Board of Trustees for their tremendous contributions on behalf of the citizens throughout the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the management and board of WKAR-TV as a symbol of our sincere gratitude.

Senators Birkholz, Cassis, Clark-Coleman, Clarke, Cropsey, Garcia, Goschka, Schauer, Scott, Switalski, Thomas, Toy, Van Woerkom, Cherry and Jacobs were named co-sponsors of the resolution.

House Concurrent Resolution No. 38.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Northern Michigan University relative to the Northern Michigan University Student Services Building.

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

Whereas, The site for the Student Services Building (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Northern Michigan University Student Services Building shall not exceed \$15,750,000 (the Authority share is \$11,812,300, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,937,500), 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 \$11,812,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the 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 \$900,000 and \$1,150,000, 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Control of Northern Michigan 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 39.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Control of Northern Michigan University relative to the Northern Michigan University Fine and Practical Arts Project.

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

Whereas, The site for the Fine and Practical Arts Project (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 Northern Michigan University Fine and Practical Arts Project shall not exceed \$21,230,000 (the Authority share is \$15,922,300, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$5,307,500), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$15,922,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the 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 \$1,210,000 and \$1,550,000, 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Control of Northern Michigan 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 40.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Mid Michigan Community College relative to the Mid Michigan Community College Student Assessment Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Mid Michigan Community College (the "Educational Institution"), the State Administrative Board, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in

each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the Educational Institution may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Student Assessment Center (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Mid Michigan Community College Student Assessment Center shall not exceed \$3,165,000 (the Authority share is \$1,582,300, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$1,582,500), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$1,582,300, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the 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 \$120,000 and \$155,000, 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Mid Michigan Community College, 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 41.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan Technological University relative to the Michigan Technological University Center for Integrated Learning and Information Technology Project.

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

Whereas, The site for the Center for Integrated Learning and Information Technology Project (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 Michigan Technological University Center for Integrated Learning and Information Technology Project shall not exceed \$33,838,700 (the Authority share is \$24,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$8,838,700), 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 \$24,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,900,000 and \$2,430,000, 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Control of Michigan Technological 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 42.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Community College District of Monroe County relative to the Community College District of Monroe County Instructional Center for Business Training and Performing Arts Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of the Community College District of Monroe County (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 Instructional Center for Business Training and Performing Arts 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 Community College District of Monroe County Instructional Center for Business Training and Performing Arts Building shall not exceed \$12,000,000 (the Authority share is \$5,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$6,000,000), 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 \$5,999,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$460,000 and \$580,000, 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 copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of the Community College District of Monroe County, 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

House Concurrent Resolution No. 43.

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease among the State of Michigan, the State Building Authority, and Jackson Community College relative to the Jackson Community College Lenawee Extension Center.

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

Whereas, Pursuant to Section 7 of 1964 PA 183, as amended, being MCL § 830.417, the Michigan Legislature by House Concurrent Resolution No. 18 of 2003 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, approved (i) the conveyance of

the College's Lenawee Extension Center (the "Facility") to the Authority and (ii) the form of a lease (the "Lease"), among the Authority, the College, and the State of Michigan (the "State") for the Facility in Adrian, Michigan; and

Whereas, The form of the Lease contains a legal description of the Facility to be conveyed from the College to the Authority; and

Whereas, In connection with the planning and construction of the Facility, it was determined that there was a more suitable site for the Facility, the legal description of which was not included in the form of the Lease approved by the Michigan Legislature in House Concurrent Resolution No. 18 of 2003; and

Whereas, The Attorney General advises the Michigan Legislature that it should approve an amendment to the legal description for the Facility that includes the correct site for the Facility; and

Whereas, The Deputy 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 Michigan Legislature hereby approves the necessary conveyance of property relative to the Jackson Community College Lenawee Extension Center to the Authority as more particularly described in the Lease and the amendment to the legal description attached thereto; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Trustees of Jackson Community College, 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 Hammerstrom 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 Hammerstrom moved that the concurrent resolution be referred to the Committee on Appropriations.

The motion prevailed.

Senators Cassis, Cherry and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senators Allen, Birkholz, Barcia, Sanborn, Gilbert, Patterson, Kuipers, Bishop, Van Woerkom, Toy, Jelinek, Cropsey, Brown, Goschka, Hammerstrom, Cassis, Stamas, Garcia, Olshove, Prusi and Brater introduced

Senate Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by adding section 40 to article IX, to provide for the establishment of the waterways trust fund and the Michigan state waterways commission.

The joint resolution was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senator McManus introduced

Senate Bill No. 909, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2000 PA 281.

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

Senators McManus and Prusi introduced

Senate Bill No. 910, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2000 PA 281.

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

Senators Switalski, Jacobs, Patterson, Cropsey and Thomas introduced

Senate Bill No. 911, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), sections 1 and 2 as amended by 1988 PA 314 and section 4 as amended by 1992 PA 272.

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

Senators Sanborn, Garcia, Switalski, Kuipers, Cropsey and Goschka introduced

Senate Bill No. 912, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as added by 2002 PA 31.

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

Senators McManus, Kuipers, Allen, Garcia, Switalski, Cropsey and Goschka introduced

Senate Bill No. 913, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

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

Senators Cropsey, Brater, George, Hardiman, Van Woerkom, McManus, Allen, Bernero, Schauer, Prusi, Emerson, Scott, Leland, Clarke, Thomas, Birkholz and Garcia introduced

Senate Bill No. 914, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 221 and 233 (MCL 436.1221 and 436.1233).

The bill was read a first and second time by title and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

Senators Barcia, Allen, Sanborn, Birkholz, Gilbert, Kuipers, Bishop, Van Woerkom, Toy, Brown, Goschka, Hammerstrom, Cassis, Stamas, Olshove, Prusi and Brater introduced

Senate Bill No. 915, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 44501, 44511, 44518, 71101, 71108, 78101, 78102, 78103, 78104, 78105, 78109, 78110, 78111, 78115, 78503, 79101, 79114, 79117, 80115, 80118, and 80119 (MCL 324.44501, 324.44511, 324.44518, 324.71101, 324.71108, 324.78101, 324.78102, 324.78103, 324.78104, 324.78105, 324.78109, 324.78110, 324.78111, 324.78115, 324.78503, 324.79101, 324.79114, 324.79117, 324.80115, 324.80118, and 324.80119), sections 44501, 44511, and 44518 as added by 1995 PA 57, sections 71101, 71108, 78102, 78103, 78104, 78105, 78109, 78111, 78503, 79101, 79114, 79117, 80115, 80118, and 80119 as added by 1995 PA 58, section 78101 as amended by 1998 PA 210, and sections 78110 and 78115 as amended by 2003 PA 19.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

Senators George, Bernero, Clarke, Gilbert and Thomas introduced

Senate Bill No. 916, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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

Senator Jelinek introduced

Senate Bill No. 917, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2131 (MCL 324.2131), as amended by 2001 PA 174.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 4463, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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 Transportation.

House Bill No. 5244, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 9b and 27 (MCL 211.9b and 211.27), section 9b as amended by 1994 PA 189 and section 27 as amended by 2002 PA 744.

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 Commerce and Labor.

House Bill No. 5266, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1a, 1e, 1i, 49, 53, 55, and 64 (MCL 38.1a, 38.1e, 38.1i, 38.49, 38.53, 38.55, and 38.64), section 1a as amended by 1998 PA 205, sections 1e and 1i as amended and sections 53, 55, and 64 as added by 1996 PA 487, and section 49 as amended by 2002 PA 93.

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. 5279, entitled

A bill to amend 1986 PA 182, entitled "State police retirement act of 1986," by amending sections 3, 4, 14, 14a, 42, and 43 (MCL 38.1603, 38.1604, 38.1614, 38.1614a, 38.1642, and 38.1643), sections 3 and 14 as amended by 2000 PA 374, section 14a as added by 1995 PA 192, section 42 as amended by 1989 PA 191, and section 43 as amended by 2002 PA 96, and by adding section 24a.

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.

Statements

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

The motion prevailed.

Senator George's statement is as follows:

I just wanted to draw my colleagues' attention toward the 125th anniversary of our office building, the Capitol. It's being celebrated today with a special program. The Capitol was built in the 1870s, and it was commissioned on January 1, 1879. There was a special ceremony held to dedicate it. It was January 1, the day that the new Governor was sworn in. Governor Croswell and five former Governors were in attendance in the House Chamber to commemorate our new building. At the time they commented on the growth of the state of Michigan from 1835 to 1879, they noted that 12 states had been joined to the Union since Michigan had been added to the country. They noted the passing of the Civil War and Michigan's contribution to it. They noted the growth of our population, our industry, and our educational institutions, and they commented that it was a fitting symbol reflective of the growing importance of the state of Michigan.

Now, this afternoon, the Capitol Committee and others have organized another commemoration to note this 125th anniversary. And I just wanted to thank those who have worked on making those arrangements, including the creation of a commemorative coin, the program today, and a special art exhibit that will be held later in the year.

I also wanted to note that from the addresses that were given in 1879, a couple of the comments of the former Governors about our Capitol.

Former Governor Alpheus Felch in his remarks congratulated the citizens of Michigan on the occasion of opening the Capitol, and he said, "It was not built for the present alone. It was to be the lasting abode of the executive, legislative, and judicial branches of government, the council house of this state, the place where the wrongs of the citizen may be righted and is right-protected." He concluded by saying, "May this Capitol in the solidity of its structure and the indestructibility of its materials prove a fitting emblem and a happy augury of the permanency of the Republic."

Likewise, former Governor John Bagley commented in his remarks. He said, "The Capitol would be a new and beautiful home for the departments of State Government." He also said, "Let us resolve that legislation should be for the common good, that all men are citizens and neighbors and deserve equal care from our lawmakers." He admonished us to build no barriers, create no classes, but hold in one embrace the poor and the rich, the wise and the ignorant, the native, the foreign-born, the employer, and the laborer. And he concluded by saying that, "Someone had said that the walls that see us work, dream, and hope are always to us the walls of a palace. May our work for Michigan, our dreams of Michigan, our hope for Michigan, be such that the walls of our state house shall indeed be always to us the walls of such a palace." Again, that was ex-Governor Bagley in the commemoration ceremony held in 1879.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Subcommittee on Capital Outlay submitted the following:

Meeting held on Wednesday, December 10, 2003, at 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Johnson (C), George, Cropsey, Goschka, Hardiman, Prusi, Clarke and Cherry

Scheduled Meetings

Agriculture, Forestry and Tourism and Agriculture Appropriations Subcommittee, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-1635)

Appropriations -**Subcommittees -**

Agriculture and Agriculture, Forestry and Tourism, Joint - Thursday, January 22, 9:00 a.m., Room 110, Farnum Building (373-5932)

Higher Education, Joint Senate/House - Wednesday, January 28, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1760)

Education - Thursday, January 15, 2:00 p.m., Room 210, Farnum Building (373-6920)

Finance - Wednesday, January 21, 1:00 p.m., Room 110, Farnum Building (373-1758)

Judiciary - Tuesday, January 20, 1:00 p.m., Room 210, Farnum Building (373-3760)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:26 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Thursday, January 15, 2004, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate