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**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Thursday, September 19, 2002.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Philip E. Hoffman.

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

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

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

Sanborn—present  
Schuette—present  
Schwarz—present  
Scott—present  
Shugars—present  
Sikkema—present  
Smith—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—excused  
Young—present

Senator Joanne G. Emmons of the 23rd District offered the following invocation:

Help us, Lord. You created a world for us that was good. You placed Adam and Eve in a garden, gave them everything they needed, but they wanted more. So they disobeyed You, and the good world You gave us was broken. Evil was released into Your world—evil we can never understand.

There was evil in the world before our country was founded. There will be evil in the future. Make us a beacon to the world for good. Thank You for giving us the freedom to fight evil—the freedom to help make Your world better again.

One year ago, we witnessed the face of evil in our country, and we pause to remember all the victims. We resolve to continue to fight against that evil.

Please forgive us for our disobedience. Lead us to seek You and Your will first. Give us wisdom to discern truth. Give us courage to speak the truth so that evil will be overcome.

Help us; we are weak. Help us; we are weary. Bless our efforts for truth and goodness.

Lord, Your will be done. In Your name we pray. Amen.

The Assistant President pro tempore, Senator Hoffman, led the members of the Senate in recital of the *Pledge of Allegiance*.

Senator Bullard entered the Senate Chamber.

### **Motions and Communications**

Senator Emmons moved that Senator Garcia be excused from today's session.

The motion prevailed.

Senator Emerson moved that Senator Hart be excused from today's session.

The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Miller admittance to the Senate floor.

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

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

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

The motion prevailed.

Senator Miller's statement is as follows:

Today is a special day because when I first came to Lansing 25 years ago, I had a great staff secretary by the name of Ann Miller. She told me that whenever we have a problem in Lansing, we needed to call her cousin Cathy Beck. She's been around the Capitol and the Lansing area since 1967. I said, "Well, how old is this lady?" I got to meet her, and I said, "No way that she's been around since 1967."

She's done all these great services—worked in natural resources, worked for the Department of Education. Then she got really smart and came to the Michigan Senate in 1975. She's been here in the Michigan Senate, and I want to tell you not only everyone of us here in this chamber, but our families back home and our wives and our children, got to know this woman not as Cathy Beck, but as Cathy Paycheck. This is the lady who has for years and years and years, every second Thursday, made sure that every member and every staff person got their paychecks. We got to know her and idolize her. My wife would always say, "Well, how's Cathy Paycheck? We want to make sure she's healthy because we want to make sure those checks are coming." Really, it wasn't the state treasury; it was Cathy Paycheck.

She's worked here for many, many years. Like I said, 27 years alone in the Michigan Senate. She's worked under four great, distinguished Secretaries of the Senate: Billy Farnum, Bill Kandler, Bill Snow, and our present Secretary of the Senate Carol Viventi. I'm sure that she has many, many fond memories of the chamber here—the great pieces of

legislation. I just wanted to say that after that many years, 27 years here in the Michigan Senate and another 8 years in public service, the citizens of Michigan really got their service from Cathy Beck. I know her husband and her four children are really going to enjoy more time with her, along with her three grandchildren.

I wish we could give her a big check for all the checks that she gave us. I want to just say to this fabulous employee, to this great friend and grandmother, we wish you the best, Cathy Beck. God bless you.

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, September 18:

**House Bill Nos. 4001 5814 6239**

The Secretary announced the printing and placement in the members' files on Wednesday, September 18, of:

**House Bill Nos. 6327 6328 6329**

**Recess**

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

10:33 a.m.

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

By unanimous consent the Senate proceeded to the order of  
**Messages from the House**

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

**Senate Bill No. 562**

**Senate Bill No. 793**

The motion prevailed.

**Senate Bill No. 1323, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2803, 2834, 2835, 2848, and 2888 (MCL 333.2803, 333.2834, 333.2835, 333.2848, and 333.2888), section 2835 as amended by 1999 PA 207. Substitute (H-3).

The question being on concurring in the substitute made to the bill by the House,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 855**

**Yeas—26**

|              |             |         |                 |
|--------------|-------------|---------|-----------------|
| Byrum        | Gast        | McManus | Sikkema         |
| Cherry       | Gougeon     | Miller  | Smith           |
| DeBeaussaert | Hammerstrom | Murphy  | Steil           |
| DeGrow       | Hoffman     | Peters  | Stille          |
| Dingell      | Johnson     | Schwarz | Van Regenmorter |
| Emerson      | Koivisto    | Scott   | Young           |
| Emmons       | Leland      |         |                 |

**Nays—9**

|           |          |         |          |
|-----------|----------|---------|----------|
| Bennett   | Goschka  | North   | Schuette |
| Bullard   | McCotter | Sanborn | Shugars  |
| Dunaskiss |          |         |          |

**Excused—3**

Garcia

Hart

Vaughn

**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. The Senate agreed to the title as amended. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Senator Sanborn moved that his name be removed as co-sponsor of the following bill:

**Senate Bill No. 1323**

The motion prevailed.

**Protests**

Senators Bennett, Schuette, Shugars, Goschka, Sanborn and North, under their constitutional right of protest (Art. 4, Sec. 18), protested against concurrence in the House substitute to Senate Bill No. 1323.

Senator Bennett's statement, in which Senator Shugars concurred, is as follows:

This was my bill, and I wound up voting against it, which is, of course, a very unusual situation. It is one that I worked very hard on—recognizing the need of many parents across this state, as part of the healing process of losing children through stillbirth, to be able to have an official document recognizing their child existed and their child is part of the family. I worked hard on that, and I wanted that to be the law of the state of Michigan. However, the House chose to add a tax increase to the bill which I found completely unacceptable to be able to vote for. For that reason, I had to vote against the bill.

Senator Schuette's statement, in which Senators Shugars and North concurred, is as follows:

I, very similar to Senator Bennett, was a co-sponsor of Senate Bill No. 1323, which required and put into place for fetal death reports, certification for stillbirth. The problem with this bill was that tacked onto it was a tax increase, and I thought that was inappropriate. That was the purpose of me voting "no." So a number of us, Senator Bennett and others, had a contrary opinion, and that's the purpose of my "no" vote today.

Senator Shugars' statement is as follows:

I agreed with the Governor when he vetoed the bed tax. I, too, believe that health care premiums have been going up too quickly; that small business people and individuals who are paying for their health care premium—an additional bed tax onto the health care system to increase premiums in the future is not what we need to do at this time. I think we want to cut health care costs rather than increase health care costs. That's why I voted against this bill.

Senator Goschka's statement, in which Senator North concurred, is as follows:

I also voted against this bill because I think it is most inappropriate that we added onto it a bed tax. That is an argument for another day. Unfortunately, we combined two issues into one bill, and on that basis, although I certainly support every other aspect of the bill, because of the bed tax issue, I did vote "no."

Senator Sanborn's statement is as follows:

I originally was a co-sponsor of this legislation, the Bennett legislation, and was very supportive of it. I voted on it through committee. But I am disappointed that it was tied to this bed tax, and therefore, I could not support the legislation because of it being a tax increase, although I was very supportive of the concept of the prenatal or death certificate.

The House of Representatives returned, in accordance with the request of the Senate

**Senate Bill No. 1316, entitled**

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and

duties of the authority; to extend protections against certain liabilities to the authority; to authorize the conveyance of state land and to confer authority and jurisdiction over state land to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property; to promote alternative energy technology and economic growth; to authorize the acquisition, maintenance, and disposal of interests in real and personal property; to provide for the conveyance of land transferred to the authority; to convey state land; and to exempt property, income, and operations of an authority from tax.

Senator Emmons moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was concurred in.

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

Senator Emmons moved to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring in the substitute made to the bill by the House,

Senator Emmons offered the following substitute to the House substitute:

Substitute (S-8).

The substitute to the substitute was adopted.

The question being on concurring in the House substitute as substituted,

The substitute was concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 856**

**Yeas—34**

|              |          |          |                 |
|--------------|----------|----------|-----------------|
| Bennett      | Emmons   | McManus  | Scott           |
| Bullard      | Gast     | Miller   | Shugars         |
| Byrum        | Goschka  | Murphy   | Sikkema         |
| Cherry       | Gougeon  | North    | Smith           |
| DeBeaussaert | Hoffman  | Peters   | Steil           |
| DeGrow       | Johnson  | Sanborn  | Stille          |
| Dingell      | Koivisto | Schuette | Van Regenmorter |
| Dunaskiss    | Leland   | Schwarz  | Young           |
| Emerson      | McCotter |          |                 |

**Nays—1**

Hammerstrom

**Excused—3**

Garcia

Hart

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.

The motion did not prevail, 2/3 of the members serving not voting therefor.

Senator Emmons offered to amend the title to read as follows:

A bill to create and provide for the operation of the Michigan next energy authority; to provide for the powers and duties of the authority; to promote alternative energy technology and economic growth; and to exempt property of an authority from tax.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senators Smith, Emmons and Stille asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Smith's statement is as follows:

I rise to support the Senate substitute, and I am delighted to see that the Michigan Economic Development Corporation has actually seen the benefit of moving this project to an area that already has existing infrastructure, that has a deep need for economic growth. And I hope that in their consideration for location that we are actually looking at an area that is within Highland Park—that the MEDC has identified as one of the potentially best areas of economic development in southeast Michigan. I think this is a good move. It gives us the things that I think are very important to the city of Detroit, to the community of southeast Michigan, and the state. It's a big step forward.

Senator Emmons' first statement is as follows:

This bill has been through this body before in a different form. We now have a situation where we are opening it up so that this project will now be able to be in a different area because of the logistics that happened in the Ann Arbor area of trying to get the infrastructure in place down there. It just could not be worked out with the local units. So the plan is now that this bill will move to the Detroit area and will then be next to Wayne State, and the same process will go on, except the bill has gone from a 40-page bill to about a 17-page bill because there are many things that are not needed anymore.

The primary purpose of this new Michigan Next Energy Authority will be to certify property and businesses that are eligible for tax incentives. Those incentives have already been passed into law. This is the authority bill. The bill maintains all the technical definitions that were in the bill earlier. In other words, advanced battery cell, alternative energy marine propulsion system, and so forth. There are no changes in any of the definitions. And all the language that was related to the management of property in the issuance of bonds—all of that has been taken out of the bill because that is not necessary anymore. The property description and the related sections to the York Township property have also been taken out. It is still run by an authority, an eight-member board, under the MEGA Act, and the Treasurer will be on it, the DMB director will be on it, the president of the Strategic Fund will be on it, and the director of the Department of Transportation; and then the Governor will have four public members to be appointed to fill out the board.

So we are hopeful that this will still give the same effect and will be attractive to those industries that are working on what the next energy will be and that we will play a part in that. Ohio has just crafted a bill that is quite like this, and so the race is on, once again, for a new kind of technology. We hope to be at the front of the race at this time.

Senator Stille's statement is as follows:

I, too, support the intent of the substitute. I think it's a good step in the right direction.

I do have a question for the sponsor of the substitute. I just want to make sure and have clear in my mind that existing smart park locations, or designated locations, where there is an active pursuit of alternative energy ongoing with the university and grants that have already been obtained will not be excluded from the potential opportunity to work with this new authority in the future.

Senator Emmons' second statement is as follows:

This is, indeed, now a general bill and any place in Michigan will be eligible for these credits. They need to apply to the board, and hopefully, they'll be accepted if their project fits the criteria.

#### **Senate Bill No. 287, entitled**

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments and agencies for the fiscal year ending September 30, 2002; to implement the appropriations within the budgetary process; to authorize certain land transfers; and to provide for the expenditure of appropriations.

The House of Representatives has substituted (H-2) the bill.

The House of Representatives has passed the bill as substituted (H-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to make, supplement, and adjust appropriations for capital outlay and certain state departments for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to prescribe certain conditions for the appropriations.

Pursuant to rule 3.202, the bill was laid over one day.

#### **Senate Bill No. 593, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 15 (MCL 205.65), as amended by 1993 PA 325.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,  
The recommendation was concurred in, 2/3 of the members serving voting therefor.  
The Senate agreed to the full title.  
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

**Senate Bill No. 594, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 5 (MCL 205.95).

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending section 5 (MCL 205.95), as amended by 2002 PA 255.

Pursuant to rule 3.202, the bill was laid over one day.

**Senate Bill No. 595, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 451 (MCL 206.451), as amended by 1987 PA 254.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

**Senate Bill No. 1020, entitled**

A bill to amend 1917 PA 74, entitled "An act to fix standards for climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and to punish violations of the same," by amending section 4 (MCL 290.134).

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

**Senate Bill No. 1086, entitled**

A bill to amend 1954 PA 188, entitled "An act to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds," by amending section 2 (MCL 41.722), as amended by 1995 PA 139.

The House of Representatives has substituted (H-1) the bill.

The House of Representatives has passed the bill as substituted (H-1) and ordered that it be given immediate effect.

Pursuant to rule 3.202, the bill was laid over one day.

By unanimous consent the Senate returned to the order of

**Motions and Communications**

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

**House Bill No. 5761**

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

The President pro tempore, Senator Schwarz, assumed the Chair.

By unanimous consent the Senate proceeded to the order of  
**General Orders**

Senator Emmons 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 Peters as Chairperson.

After some time spent therein, the Committee arose; and, the Assistant President pro tempore, Senator Hoffman, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**House Bill No. 5761, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

Substitute (S-1).

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

1. Amend page 6, line 10, after "TO" by striking out "INITIATE, EXPAND, OR".

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

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

Senator Emmons moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

**House Bill No. 5761**

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

The following bill was read a third time:

**House Bill No. 5761, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145, 21523, and 22209 (MCL 333.20145, 333.21523, and 333.22209), sections 20145 and 22209 as amended by 1993 PA 88.

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. 857**

**Yeas—35**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Scott           |
| Bullard      | Gast        | McManus  | Shugars         |
| Byrum        | Goschka     | Miller   | Sikkema         |
| Cherry       | Gougeon     | Murphy   | Smith           |
| DeBeaussaert | Hammerstrom | North    | Steil           |
| DeGrow       | Hoffman     | Peters   | Stille          |
| Dingell      | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Young           |
| Emerson      | Leland      | Schwarz  |                 |

**Nays—0**

**Excused—3**

|        |      |        |
|--------|------|--------|
| Garcia | Hart | Vaughn |
|--------|------|--------|

**Not Voting—0**

In The Chair: Hoffman



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

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

### **Resolutions**

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

#### **Senate Resolution No. 268**

#### **Senate Resolution No. 269**

The resolution consent calendar was adopted.

Senators Hammerstrom, Sikkema, Johnson, Gast, North, DeBeaussaert, Peters and Byrum offered the following resolution:

#### **Senate Resolution No. 268.**

A resolution commemorating October 2, 2002, as Aquatic Nuisance Species Awareness Day.

Whereas, Michigan's economy depends on its great abundance of fresh water for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses; and

Whereas, Prevention of new introductions of aquatic nuisance species ultimately benefits the state of Michigan. By preventing introductions of new aquatic nuisance species to begin with, the state of Michigan, business, industry, and the citizenry would not need to employ costly methods to control and manage them; and

Whereas, Over 160 nonindigenous aquatic nuisance species have been introduced to the Great Lakes. Species such as the zebra mussel and the sea lamprey, two of the most devastating species introduced, are costing millions of dollars for control efforts. The recent spread of undesirable species such as the Asian carp and northern snakehead presents a great cause for concern; and

Whereas, Michigan has over 3.5 million registered boaters and many other recreational, commercial, and industrial users of over 11,000 lakes and ponds and over 36,000 miles of streams, many of which are impacted by aquatic nuisance species; and

Whereas, Aquatic nuisance species awareness is an important first step towards behavioral change which prevents the introduction and spread of aquatic nuisance species; and

Whereas, The Aquatic Nuisance Species State Management Plan Update, which identifies targeted areas of activities within the state, is a fundamental approach to preventing the spread and introduction of aquatic nuisance species in Michigan through multi-agency and organization cooperation and coordination; and

Whereas, Michigan's Aquatic Nuisance Species State Management Plan Update is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and the citizenry at large to take action towards prevention and control of aquatic nuisance species; now, therefore, be it

Resolved by the Senate, That we hereby commemorate October 2, 2002, as Aquatic Nuisance Species Awareness Day; and be it further

Resolved, That the Aquatic Nuisance Species State Management Plan Update has been received and affirmed and is hereby adopted. This plan will work to support the partnership between the government and various business, industry, environmental groups, community organizations, and the citizenry. It will also encourage greater knowledge, understanding, and awareness of the environmental and ecological impacts aquatic nuisance species impose on the natural resources of the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality, Michigan Department of Agriculture, Michigan Department of Natural Resources, Office of the Great Lakes, Great Lakes Fishery Commission, Michigan congressional delegation, and the Great Lakes Commission.

Senator Young was named co-sponsor of the resolution.

Senators McCotter, Garcia, North, Bullard and McManus offered the following resolution:

**Senate Resolution No. 269**

A resolution honoring the American Society of Employers.

Whereas, The American Society of Employers (ASE) was established as the Employers Association of Detroit on December 13, 1902, and this year celebrates its centennial anniversary; and

Whereas, The ASE was commenced by seventeen Detroit employers to create a forum where employers could collectively discuss labor and economic issues impacting the local business community; and

Whereas, In 1914, the association was the certifying agency of Ford Motor Company's \$5-per-day wage rate and after WWI published a nationally recognized industrial barometer; and

Whereas, The association was responsible for promoting and carrying through the Workman's Compensation Act in Michigan and hosted a radio broadcast on WWJ, which discussed labor relation issues of the day; and

Whereas, The ASE contributed to the opportunities for youth with its apprenticeship training program and sponsorship of Cass Technological High School; and

Whereas, In 1987, due to the significant expansion of service area coverage and scope of services offered, the Employers Association of Detroit changed its name to the American Society of Employers; and

Whereas, In 1997, continuing their contribution to addressing the workforce development needs of employers, the ASE Educational Foundation was created; and

Whereas, As of April 2002, the ASE has over 1,000 members in Michigan's Lower Peninsula; now, therefore, be it

Resolved by the Senate, That we, the people of the state of Michigan, are proud to celebrate with the American Society of Employers as they look back upon 100 years of progress. We give thanks for the contributions they have made to our great state and hope for continued success in their mission to be the state of Michigan's pre-eminent authority on human resource issues; and be it further

Resolved, That a copy of this resolution be transmitted to the American Society of Employers as a token of our esteem.

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 68.**

A concurrent resolution approving an amendment to the conveyance of property to the State Building Authority and the lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Secondary Complex Warehouse.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, 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 land owned by the State of Michigan (the "State") 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 Senate Concurrent Resolution No. 25 of 2001, 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 State's Department of Management and Budget Secondary Complex Warehouse (the "Facility") to the Authority and (ii) the form of a lease (the "Lease"), between the Authority and the State for the Facility located on the State's Secondary Complex campus in Dimondale, Michigan; and

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

Whereas, In connection with the construction of the Facility, it was determined that there was a more economical, efficient, and suitable site for the HVAC and controls portion of the Facility, the legal description of which was not included in the form of the Lease approved by the Michigan Legislature in Senate Concurrent Resolution No. 25 of 2001; and

Whereas, The Lease needs to be amended to include the legal description for the Facility, which includes the site for the HVAC and controls systems mentioned; and

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

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature hereby approves the necessary conveyance of property to the State Building Authority as more particularly described in the Lease and the amended attachments thereto; and be it further

Resolved, That copies of this resolution be transmitted to the Governor, the Secretary of State, the State Building Authority, and the State Budget Director.

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

Senator Emmons moved that the rule be suspended.

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

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 858**

**Yeas—35**

|               |             |          |                 |
|---------------|-------------|----------|-----------------|
| Bennett       | Emmons      | McCotter | Scott           |
| Bullard       | Gast        | McManus  | Shugars         |
| Byrum         | Goschka     | Miller   | Sikkema         |
| Cherry        | Gougeon     | Murphy   | Smith           |
| DeBeaussiaert | Hammerstrom | North    | Steil           |
| DeGrow        | Hoffman     | Peters   | Stille          |
| Dingell       | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss     | Koivisto    | Schuette | Young           |
| Emerson       | Leland      | Schwarz  |                 |

**Nays—0**

**Excused—3**

|        |      |        |
|--------|------|--------|
| Garcia | Hart | Vaughn |
|--------|------|--------|

**Not Voting—0**

In The Chair: Hoffman

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

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 69.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Roosevelt Parking Facility.

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

Whereas, The site for the Department of Management and Budget Roosevelt Parking Facility located in Ingham County (the “Facility”) is currently owned by the State; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Management and Budget Roosevelt Parking Facility shall not exceed \$6,600,000 (the Authority share is \$6,599,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$6,599,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$515,000 and \$650,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator Emmons moved that the rule be suspended.

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

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

### Roll Call No. 859

### Yeas—35

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Scott           |
| Bullard      | Gast        | McManus  | Shugars         |
| Byrum        | Goschka     | Miller   | Sikkema         |
| Cherry       | Gougeon     | Murphy   | Smith           |
| DeBeaussaert | Hammerstrom | North    | Steil           |
| DeGrow       | Hoffman     | Peters   | Stille          |
| Dingell      | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Young           |
| Emerson      | Leland      | Schwarz  |                 |

### Nays—0

**Excused—3**

Garcia

Hart

Vaughn

**Not Voting—0**

In The Chair: Hoffman

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

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 70.**

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 Northwestern Michigan College relative to the Northwestern Michigan College Integrated Science and Technology Learning Center.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Northwestern Michigan 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 Northwestern Michigan College Integrated Science and Technology Learning 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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Northwestern Michigan College Integrated Science and Technology Learning Center shall not exceed \$14,100,000 (the Authority share is \$7,049,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$7,050,000), 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 \$7,049,900, 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 \$550,000 and \$700,000, 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 Northwestern Michigan College and the State Budget Director.

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

Senator Emmons moved that the rule be suspended.

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

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 860**

**Yeas—35**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Scott           |
| Bullard      | Gast        | McManus  | Shugars         |
| Byrum        | Goschka     | Miller   | Sikkema         |
| Cherry       | Gougeon     | Murphy   | Smith           |
| DeBeaussaert | Hammerstrom | North    | Steil           |
| DeGrow       | Hoffman     | Peters   | Stille          |
| Dingell      | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Young           |
| Emerson      | Leland      | Schwarz  |                 |

**Nays—0**

**Excused—3**

|        |      |        |
|--------|------|--------|
| Garcia | Hart | Vaughn |
|--------|------|--------|

**Not Voting—0**

In The Chair: Hoffman

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

Senators Gast and Hoffman offered the following concurrent resolution:

**Senate Concurrent Resolution No. 71.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Ferris State University relative to the Ferris State University Engineering and Technical Center Project.

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

Whereas, The site for the Ferris State University Engineering and Technical Center 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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Ferris State University Engineering and Technical Center Project shall not exceed \$18,000,000 (the Authority share is \$13,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$4,500,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$13,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,050,000 and \$1,340,000, 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 Ferris State University, and the State Budget Director.

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

Senator Emmons moved that the rule be suspended.

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

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

### Roll Call No. 861

### Yeas—35

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Scott           |
| Bullard      | Gast        | McManus  | Shugars         |
| Byrum        | Goschka     | Miller   | Sikkema         |
| Cherry       | Gougeon     | Murphy   | Smith           |
| DeBeaussaert | Hammerstrom | North    | Steil           |
| DeGrow       | Hoffman     | Peters   | Stille          |
| Dingell      | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Young           |
| Emerson      | Leland      | Schwarz  |                 |

**Nays—0**

**Excused—3**

Garcia

Hart

Vaughn

**Not Voting—0**

In The Chair: Hoffman

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

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 72.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn General Campus Classroom Renovations (Phase III) University Mall.

Whereas, 1996 PA 480 originally established the University of Michigan's (the "University") Dearborn General Campus Classroom Renovations (Phase III) (the "General Campus Renovations") for the construction of the University's College of Arts, Sciences, and Letters building (the "CASL Facility") and the renovation of the University's existing University Mall at a Total Project Cost of \$43,400,000, of which the State Building Authority (the "Authority") share is \$32,549,900, the University share is \$10,850,000, and the State General Fund/General Purpose share is \$100; and

Whereas, 1997 PA 116 added a third component to the University's General Campus Renovations project by including the construction of an Environmental Interpretive Center (the "Environmental Facility") at the University's Dearborn Campus and increased the Total Project Cost to \$46,900,000, of which the Authority share is \$35,174,900, the University share is \$11,725,000, and the State General Fund/General Purpose share remains \$100; and

Whereas, The CASL Facility has been constructed and completed. The Total CASL Facility Project Cost was \$29,800,000, which was \$2,100,000 less than the previously allocated cost of \$31,900,000; and

Whereas, The additional \$2,100,000 of remaining allocation from the CASL Facility has been reallocated to the University Mall Facility; and

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

Whereas, The site for the University Mall Facility is currently owned by the University, and the University Mall Facility is now under construction; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the University of Michigan-Dearborn General Campus Renovations Total Project Cost, consisting of the CASL Facility, the Environmental Facility, and the University Mall Facility, shall not exceed \$46,900,000, of which the Authority share is \$35,174,900, the University share is \$11,725,000, and the State General Fund/General Purpose share remains \$100; and be it further



Resolved, That the Total University Mall Facility Cost shall not exceed \$13,038,000, of which the Authority share is \$9,778,500 and the University share is \$3,259,500, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the University Mall Facility, if any, of which not more than \$9,778,500, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the University Mall 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 Total Project Cost of the University’s Environmental Facility Project shall not exceed \$4,062,000, of which the Authority share is \$3,046,500 and the University share is \$1,015,500; and be it further

Resolved, That the Total Project Cost of the University’s CASL Facility Project shall not exceed \$29,800,000, of which the Authority share is \$22,349,900, the State General Fund/General Purpose share is \$100 and the University share is \$7,450,000; 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 acquisition by the Authority of the University Mall Facility and the lease thereof to the State and the University and hereby determines that the leasing of the University Mall 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 University Mall Facility shall be within or below the range of \$760,000 and \$970,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

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

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

Senator Emmons moved that the rule be suspended.

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

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 862**

**Yeas—35**

|              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Scott           |
| Bullard      | Gast        | McManus  | Shugars         |
| Byrum        | Goschka     | Miller   | Sikkema         |
| Cherry       | Gougeon     | Murphy   | Smith           |
| DeBeaussaert | Hammerstrom | North    | Steil           |
| DeGrow       | Hoffman     | Peters   | Stille          |
| Dingell      | Johnson     | Sanborn  | Van Regenmorter |
| Dunaskiss    | Koivisto    | Schuette | Young           |
| Emerson      | Leland      | Schwarz  |                 |

**Nays—0**

**Excused—3**

|        |      |        |
|--------|------|--------|
| Garcia | Hart | Vaughn |
|--------|------|--------|

**Not Voting—0**

In The Chair: Hoffman

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

Senators Gougeon and Hoffman offered the following resolution:

**Senate Resolution No. 261.**

A resolution offered as a memorial for 1st Lieutenant Dustin G. Shannon.

Whereas, It is with deep respect that we offer this resolution as a memorial for the extraordinary life of 1st Lieutenant Dustin Shannon. Dustin gave his life in the line of duty on Thursday, August 22, 2002, defending and protecting the country he loved; and

Whereas, Dustin's passing has saddened all who had the good fortune of knowing him, and we extend our sympathies and respect to his family and friends. He will forever be remembered for his selfless commitment to serving others; and

Whereas, In 1996, Dustin graduated from Vassar High School and graduated from the United States Military Academy at West Point in 2000. He was serving his country in South Korea when he was killed in an Army helicopter accident; and

Whereas, He always gave his very best in whatever task was before him, as captain of Vassar's football, baseball, and wrestling squads, or as captain of the school's academic team and prom king; and

Whereas, Dustin was a friend to everyone he met, challenged himself at every turn, and inspired all who knew him. He took pride in every undertaking and passed on his work ethic to those around him; and

Whereas, Dustin knew that his chosen career held more responsibility, danger, and honor than any other, and he will be remembered for his dedication and selfless service to his country. He will also be remembered for his abundant personal warmth, love of family and friends, patriotism, and service; now, therefore, be it

Resolved by the Senate, That we hereby memorialize the life and memory of 1st Lieutenant Dustin G. Shannon and offer words of praise and consolation to his family, friends, and fellow service personnel; and be it further

Resolved, That a copy of this resolution be transmitted to Dustin's family and fellow service members as evidence of our highest regard for his ultimate sacrifice and in celebration of his life.

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

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

The resolution was adopted by a unanimous standing vote of the Senate.

Senator Gougeon moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the resolution.

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

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

The motion prevailed.

Senator Gougeon's statement is as follows:

I want to say a few words to this body about Dustin Shannon, First Lieutenant, who is one of my constituents from Vassar, Michigan. At his funeral, they talked about Dustin as one of the young men from Vassar, a quarterback of his high school football team, because he was a natural leader of men and of young men, in particular. He was a man who was appointed to the United States Military Academy at West Point by Congressman James Barcia, who is a former Senator of this body and who spoke at his funeral. He was a man who graduated from United States Military Academy at West Point with the highest honors. He was a man who later learned to fly helicopters and served his country as a first lieutenant in the United States Army flying helicopters in Korea, and he was a man who died flying those helicopters in Korea in a tragic accident. He was a man whose father we all should know is the superintendent of construction of our new Hall of Justice here just a couple of buildings away from us. He was a man we could be proud of to say he was a citizen of the United States. He was a man we can say we are proud of to be a citizen of this state, and he was a man, Mr. President, whom I am so very proud to have represented as one of my constituents in the Michigan Senate. I would ask this body if we could rise for a moment of silence in honor of First Lieutenant Dustin Shannon.

A moment of silence was observed in memory of First Lieutenant Dustin G. Shannon.

Senators Sikkema, Koivisto, McCotter, North, Garcia, Hammerstrom, Gast, Dunaskiss, McManus, Steil, Johnson and Sanborn offered the following resolution:

**Senate Resolution No. 270.**

A resolution to express support for the proposed plan to preserve 390,000 acres of Upper Peninsula land from development.

Whereas, The Governor and several of the most prominent groups advocating outdoors recreation and conservation in Michigan recently announced a proposal to purchase nearly 390,000 acres of prime wilderness land in the Upper Peninsula. The proposal to buy this acreage from the Kamehameha School Trust in Hawaii centers on the creation of a unique partnership among the timber industry, the state and federal government, and philanthropic and conservation organizations; and

Whereas, As outlined, the public-private partnership would create an arrangement for the management and use of the land, with the purchase of the vast majority of the land through a timber company. Public access would be maintained for tourism and recreation through easement arrangements. The land would remain on the tax rolls and jobs would be created by the harvest of timber. The plan mirrors similar efforts to preserve land in New York and New Hampshire, although the Michigan arrangement would be far larger; and

Whereas, The land involved in the transaction is some of the most coveted recreational property in this region of the country. The parcels include major acreage near Tahquamenon Falls, the watersheds of the Two Hearted and Presque Isle Rivers, the Porcupine Mountains, and the Pictured Rocks. This is a remarkable opportunity to enhance Michigan's recreation, conservation, and economic interests. It is imperative that the state work effectively to bring all the necessary components together to win the bid and finalize the transaction; now, therefore, be it

Resolved by the Senate, That we express support for the proposed plan to preserve 390,000 acres of Upper Peninsula land from development; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and officials of the organizations involved in the proposal.

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

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

The motion prevailed.

Senator Goschka was named co-sponsor of the resolution.

By unanimous consent the Senate proceeded to the order of

**Statements**

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

The motion prevailed.

Senator Shugars' statement is as follows:

I handed out to all the members a copy of the article in Runner's World entitled "Running with the President, Leader of the Pack." It's a great article about anyone who believes in healthy lifestyles. I quote: "The President has run away from smoke and booze, and shed 10 pounds. But you should see him chase [his personal best in running]." They compare all the Presidents who were physically active over the years, and this is the only President who I cannot beat in a race now because he's a seven-minute miler for three miles. That's outstanding. In the article, they talked about some of his accomplishments. He ran in the Houston Marathon in three hours and forty-four minutes.

Also I'd just like to read the last part and why I think it's applicable to have a President with this type of role modeling for the whole country. "America's Biggest Health Problems: Tobacco, bad food, and lack of exercise. A lot of disease can be prevented. And I think you'll see health-care systems will evolve toward encouraging prevention. Wise business insurers will work with physical fitness folks to encourage reasonable exercise. Statistic after statistic is beginning to sink into the consciousness of the American people that exercise is one of the keys to a healthy lifestyle.

One of my jobs as President is to set an example. I have an opportunity to send a message to the American people that I'm serious about exercise—and you should be, too."

By unanimous consent the Senate returned to the order of

**Introduction and Referral of Bills**

Senator Bullard introduced

**Senate Bill No. 1426, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 410 (MCL 500.410), as amended by 1998 PA 457.

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

Senator Bullard introduced

**Senate Bill No. 1427, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1920 (MCL 500.1920), as amended by 1994 PA 228.

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

Senator Bullard introduced

**Senate Bill No. 1428, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3341 (MCL 500.3341), as added by 2002 PA 251.

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

Senator Shugars introduced

**Senate Bill No. 1429, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2001 PA 3.

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

Senators Shugars, Schuette, Schwarz, Gougeon and Steil introduced

**Senate Bill No. 1430, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37e.

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

Senators McCotter and Leland introduced

**Senate Bill No. 1431, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 4a.

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

Senator Emmons introduced

**Senate Bill No. 1432, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4o and 23 (MCL 205.54o and 205.73), section 4o as added by 1994 PA 156 and section 23 as amended by 1993 PA 325.

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

Senators Bennett, Dunaskiss and Hoffman introduced

**Senate Bill No. 1433, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," (MCL 28.421 to 28.435) by adding section 5x.

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

Senators Garcia and Bullard introduced

**Senate Bill No. 1434, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 250 (MCL 500.250).

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

Senators Garcia and Bullard introduced

**Senate Bill No. 1435, entitled**

A bill to amend 1960 PA 136, entitled "Sale of checks act," by amending section 15 (MCL 487.915).

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

Senators Schwarz, Steil, Hammerstrom, Byrum, Shugars and Emerson introduced

**Senate Bill No. 1436, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 22201, 22203, 22205, 22207, 22209, 22211, 22213, 22215, 22221, 22226, 22230, 22231, 22239, 22241, 22247, 22255, and 22260 (MCL 333.22201, 333.22203, 333.22205, 333.22207, 333.22209, 333.22211, 333.22213, 333.22215, 333.22221, 333.22226, 333.22230, 333.22231, 333.22239, 333.22241, 333.22247, 333.22255, and 333.22260), sections 22201, 22211, 22230, and 22255 as added by 1988 PA 332, sections 22203, 22207, 22209, 22213, 22215, 22221, 22231, 22239, 22241, 22247, and 22260 as amended by 1993 PA 88, section 22205 as amended by 2000 PA 253, and section 22226 as added by 1988 PA 331, and by adding section 20930 and part 132; and to repeal acts and parts of acts.

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

Senator North introduced

**Senate Bill No. 1437, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 4.

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

Senator North introduced

**Senate Bill No. 1438, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 409, 411, and 2504 (MCL 339.409, 339.411, and 339.2504), section 409 as added by 1988 PA 463, section 411 as amended by 1989 PA 261, and section 2504 as amended by 1984 PA 413.

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

**House Bill No. 4001, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752).

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 Health Policy.

**House Bill No. 5814, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2000 PA 460.

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 Judiciary.

**House Bill No. 6239, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 353b.

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

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

### Committee Reports

The Committee on Health Policy reported

**Senate Bill No. 1121, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16261, 16401, and 16411 (MCL 333.16261, 333.16401, and 333.16411).

With the recommendation that the substitute (S-3) be adopted and that the bill then pass.

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

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Emerson

Nays: None

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

The Committee on Health Policy reported

**House Bill No. 5761, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145 and 21523 (MCL 333.20145 and 333.21523), section 20145 as amended by 1993 PA 88.

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.

Dale L. Shugars  
Chairperson

## To Report Out:

Yeas: Senators Shugars, Hammerstrom, Schwarz, Byrum and Emerson

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 Health Policy submitted the following:

Meeting held on Tuesday, September 17, 2002, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom, Schwarz, Byrum and Emerson

The Committee on Transportation and Tourism reported

**Senate Bill No. 1390, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853).

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**Senate Bill No. 1391, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**Senate Bill No. 1393, entitled**

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending sections 83 and 83b (MCL 259.83 and 259.83b), section 83 as amended and section 83b as added by 2002 PA 35.

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Transportation and Tourism reported

**Senate Bill No. 1401, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," (MCL 436.1101 to 436.2303) by adding section 518.

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.

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

**House Bill No. 5363, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 213, 216, 217, 217c, 222, 226, 226a, 233b, 244, 248, 249, 251, and 251a (MCL 257.11, 257.213, 257.216, 257.217, 257.217c, 257.222, 257.226, 257.226a, 257.233b, 257.244, 257.248, 257.249, 257.251, and 257.251a), section 11 as amended by 1990 PA 154, section 216 as amended by 1996 PA 141, sections 217, 222, and 251 as amended by 2000 PA 397, sections 217c and 249 as amended by 1993 PA 300, section 226 as amended by 2000 PA 36, section 226a as amended by 1998 PA 384, section 233b as added by 1994 PA 305, section 244 as amended by 2000 PA 369, section 248 as amended by 1999 PA 172, and section 251a as added by 1990 PA 265.

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.

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

Nays: None

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

The Committee on Transportation and Tourism reported

**House Bill No. 5364, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 11 (MCL 257.11), as amended by 1990 PA 154, and by adding section 248j.

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.

Bill Bullard, Jr.

Chairperson

## To Report Out:

Yeas: Senators Bullard, North and Leland

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 Transportation and Tourism submitted the following:

Meeting held on Tuesday, September 17, 2002, at 3:00 p.m., Room 110, Farnum Building

Present: Senators Bullard (C), North and Leland

Excused: Senators Steil and Hart

## COMMITTEE ATTENDANCE REPORT

The Subcommittee on TermCom, Legislative Retirement Board of Trustees, submitted the following:  
Meeting held on Thursday, September 12, 2002, at 2:00 p.m., Room H-929, House Office Building  
Present: Senators Emerson and Schwarz

**Scheduled Meetings**

**Appropriations** - Wednesday, September 25, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittee -**

**Capital Outlay, Joint** - Tuesday, September 24, 11:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Families, Mental Health and Human Services** - Wednesday, September 25, 3:00 p.m., Room 100, Farnum Building (373-3543)

**Financial Services** - Tuesday, September 24, 3:00 p.m., Room 110, Farnum Building (373-1758)

**Health Policy** - Tuesday, September 24, 3:00 p.m., Room 100, Farnum Building (373-0793)

**Legislative Retirement Board of Trustees** - Wednesday, September 25, 3:00 p.m., Room H-252, Capitol Building (373-0575)

**Senate Fiscal Agency Board of Governors** - Wednesday, September 25, 3:00 p.m. or later immediately following the Senate Appropriations Meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 11:50 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, September 24, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.