

**No. 78**  
**JOURNAL OF THE SENATE**

---

Senate Chamber, Lansing, Thursday, November 1, 2001.

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—present  
Gast—present  
Goschka—present

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

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

Father Michael A. Petroski of Queen of Miraculous Medal Catholic Church of Jackson offered the following invocation:

Almighty and Eternal God, we praise You, thank You, and bless Your holy name. You know the longings of our hearts, and You protect our rights. In Your goodness watch over those in authority, so that people everywhere may enjoy freedom, security, and peace. You are the never-ending source of justice and compassion. You guide and govern everything with order and love. Look upon these members of the Senate of the state of Michigan, and fill them with the spirit of Your wisdom. May they always act in accordance with Your will, and may their decisions be for the peace and well-being of all.

We ask You to hear our prayer this morning, for it is offered with humble and grateful hearts and entrusted to Your goodness. Amen.

A moment of silence was observed concerning the recent tragedies around the country.

The President, Lieutenant Governor Posthumus, assumed the Chair.

Senators Bennett, Murphy, Gast and Garcia entered the Senate Chamber.

### **Motions and Communications**

Senator Emmons moved that Senator Stille be temporarily excused from today's session.  
The motion prevailed.

Senator Emmons moved that Senator Johnson be excused from today's session.  
The motion prevailed.

Senator Emerson moved that Senator Miller be temporarily excused from today's session.  
The motion prevailed.

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

The motion prevailed.

Senator Koivisto's statement is as follows:

It gives me a great deal of pleasure today to introduce the 2001 Gladstone Little League Senior Girls Softball Team—some students who are down from the Gladstone-Escanaba area. They really achieved a mile mark this year; they're the World Series runner-up. They lost the final game in the World Series by one run, and we're very proud of this group. They're here with their chaperones, and they're spending some time in the Capitol. They were invited by Representative Bovin and myself.

Remember that that's quite an achievement for a Michigan team to not only win the state, win the sectional, but to go all the way to the World Series final game. I can't be more proud of a group than I am of this group of students and their chaperones.

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Gallery.  
The motion prevailed, a majority of the members serving voting therefor.

Senators Stille, Miller and Goschka entered the Senate Chamber.

The Secretary announced the printing and placement in the members' files on Wednesday, October 31, of:

**Senate Bill Nos. 807 808**

**House Bill No. 5367**

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

Senator Emmons moved that the following bills be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 143**

**Senate Bill No. 385**

**Senate Bill No. 61**

- Senate Bill No. 386**
  - Senate Bill No. 387**
  - Senate Bill No. 388**
  - Senate Bill No. 563**
  - Senate Bill No. 776**
  - Senate Bill No. 777**
  - Senate Bill No. 778**
  - Senate Bill No. 779**
  - Senate Bill No. 780**
- The motion prevailed.

The following bill was announced:

**Senate Bill No. 143, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 951, 954, 955, and 971 (MCL 380.951, 380.954, 380.955, and 380.971), section 951 as amended by 1990 PA 147 and section 971 as amended by 1995 PA 289, and by adding section 957.

(This bill was read a third time on June 12, amendment offered and consideration postponed. See Senate Journal No. 53, p. 703.)

The question being on the adoption of the amendment offered by Senator Bennett, Senator Bennett withdrew the amendment.

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. 403**

**Yeas—34**

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

**Nays—1**

Cherry

**Excused—2**

Johnson                      Vaughn

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 385, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

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. 404**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Johnson	Vaughn
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 61, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 659.

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. 405**

**Yeas—21**

Bennett	Gast	McCotter	Shugars
Bullard	Gougeon	McManus	Sikkema
DeGrow	Hammerstrom	North	Steil
Dunaskiss	Hoffman	Schuette	Stille
Emmons	Leland	Schwarz	Van Regenmorter
Garcia			

**Nays—13**

Cherry	Goschka	Miller	Scott
DeBeaussaert	Hart	Murphy	Smith
Dingell	Koivisto	Peters	Young
Emerson			

**Excused—2**

Johnson

Vaughn

**Not Voting—1**

Byrum

In The Chair: President

The Senate agreed to the title of the bill.

**Protest**

Senator Cherry, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 61.

Senator Cherry's statement is as follows:

I voted "no" on the previous bill because the effect of the bill would be to begin to consolidate all elections—at least move in the direction of consolidating all elections—on the same election day, which seems to me to create a ballot that would probably, at best, be confusing. I think the public is pretty knowledgeable about when school elections are held and what that process is, and I've yet to hear a good case for why we ought to alter that process.

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

The following bill was read a third time:

**Senate Bill No. 386, entitled**

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 11 (MCL 46.411), as amended by 1982 PA 504.

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. 406****Yeas—35**

Bennett

Emmons

Leland

Scott

Bullard

Garcia

McCotter

Shugars

Byrum

Gast

McManus

Sikkema

Cherry

Goschka

Miller

Smith

DeBeaussaert

Gougeon

Murphy

Steil

DeGrow

Hammerstrom

North

Stille

Dingell

Hart

Peters

Van Regenmorter

Dunaskiss

Hoffman

Schuette

Young

Emerson

Koivisto

Schwarz

**Nays—0****Excused—2**

Johnson

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 387, entitled**

A bill to amend 1989 PA 24, entitled “The district library establishment act,” by amending section 11 (MCL 397.181); and to repeal acts and parts of acts.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 3, line 3, by striking out “(G)” and inserting “(H)”.

The amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

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

**Roll Call No. 407****Yeas—35**

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

**Nays—0****Excused—2**

Johnson                      Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 388, entitled**

A bill to amend 1877 PA 164, entitled “An act to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies,” by amending section 11 (MCL 397.211), as amended by 1988 PA 432.

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. 408****Yeas—35**

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

**Nays—0****Excused—2**

Johnson

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 563, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 1i.

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. 409****Yeas—35**

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

**Nays—0****Excused—2**

Johnson                      Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 776, entitled**

A bill to amend 1988 PA 161, entitled "Consumer financial services act," by amending sections 2 and 17 (MCL 487.2052 and 487.2067), as amended by 1999 PA 275, and by adding sections 10f, 10g, 10h, 10i, 10j, and 10k.

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. 410****Yeas—35**

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

**Nays—0****Excused—2**

Johnson                      Vaughn



**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 777, entitled**

A bill to amend 1987 PA 173, entitled “Mortgage brokers, lenders, and servicers licensing act,” by amending sections 1a, 11, and 22 (MCL 445.1651a, 445.1661, and 445.1672), sections 1a and 22 as amended by 1996 PA 210, and by adding sections 18a, 18b, 18c, 18d, and 18e.

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. 411****Yeas—35**

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

**Nays—0****Excused—2**

Johnson                      Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 778, entitled**

A bill to amend 1981 PA 125, entitled “The secondary mortgage loan act,” by amending sections 1, 6b, and 24 (MCL 493.51, 493.56b, and 493.74), sections 1 and 24 as amended and section 6b as added by 1997 PA 91, and by adding sections 14a, 14b, 14c, 14d, and 14e.

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. 412****Yeas—35**

Bennett	Emmons	Leland	Scott
Bullard	Garcia	McCotter	Shugars
Byrum	Gast	McManus	Sikkema

Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Koivisto

Miller  
Murphy  
North  
Peters  
Schuette  
Schwarz

Smith  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Johnson

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 779, entitled**

A bill to amend 1939 PA 21, entitled "Regulatory loan act of 1963," by amending sections 1, 9, 12, and 18 (MCL 493.1, 493.9, 493.12, and 493.18), section 1 as amended by 1996 PA 184, section 12 as amended by 1991 PA 14, and section 18 as amended by 1995 PA 165, and by adding sections 9a, 9b, 9c, 9d, 9e, 9f, and 9g.

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. 413**

**Yeas—35**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Garcia  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hart  
Hoffman  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Schuette  
Schwarz

Scott  
Shugars  
Sikkema  
Smith  
Steil  
Stille  
Van Regenmorter  
Young

**Nays—0**

**Excused—2**

Johnson

Vaughn

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 780, entitled**

A bill to amend 1960 PA 136, entitled “Sale of checks act,” by amending sections 2, 12, and 15 (MCL 487.902, 487.912, and 487.915), sections 2 and 12 as amended by 1986 PA 275, and by adding sections 12b, 12c, 12d, 12e, 12f, 12g, and 12h.

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. 414**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Johnson	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

The motion prevailed.

Senator Leland’s statement is as follows:

I am supporting this package of bills, which would provide the commissioner of the Office of Financial and Insurance Services with an additional enforcement tool to eliminate individuals, or “bad actors” as they are being labeled, from engaging in fraudulent business practices, particularly as it concerns mortgage lenders who engage in predatory lending practices.

However, I believe this legislation is only one component of the efforts to combat predatory lending in the state. While it may help to eliminate the misguided lender from providing additional fraudulent loans, it does not go far enough to protect the consumer who is harmed by the individual’s actions or practices.

Therefore, I strongly encourage consideration of the package of bills that I have introduced, Senate Bill Nos. 768-774, which would complement the bills before us by creating the Michigan Predatory Lending Practices Act and establish consumer protections for individuals who are preyed upon by unscrupulous lenders.

The chairman of the Banking and Financial Institutions Committee, Senator Garcia, has indicated that he will work with me on tackling the issue, and I hope that he is serious and will commit to addressing my bills.

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

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

**Senate Bill No. 494**

The motion prevailed.

**Senate Bill No. 671, entitled**

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112.

The House of Representatives has substituted (H-3) the bill.

The House of Representatives has passed the bill as substituted (H-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1984 PA 431, entitled “An act to prescribe the powers and duties of the department of management and budget; to define the authority and functions of its director and its organizational entities; to authorize the department to issue directives; to provide for the capital outlay program; to provide for the leasing, planning, constructing, maintaining, altering, renovating, demolishing, conveying of lands and facilities; to provide for centralized administrative services such as purchasing, payroll, record retention, data processing, and publishing and for access to certain services; to provide for a system of internal accounting and administrative control for certain principal departments; to provide for an internal auditor in certain principal departments; to provide for certain powers and duties of certain state officers and agencies; to codify, revise, consolidate, classify, and add to the powers, duties, and laws relative to budgeting, accounting, and the regulating of appropriations; to provide for the implementation of certain constitutional provisions; to create funds and accounts; to make appropriations; to prescribe remedies and penalties; to rescind certain executive reorganization orders; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending section 353c (MCL 18.1353c), as amended by 2001 PA 112, and by adding section 397.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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,

**Point of Order**

Senator Cherry raised the Point of Order that the House substitute to Senate Bill No. 671 was not germane in violation of the Constitution, Article IV, Section 24: “No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.”

The President pro tempore, Senator Schwarz, ruled that amendments of the House are not subject to a Point of Order in the Senate, based on past precedents of the Senate.

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

**Roll Call No. 415**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Johnson

Vaughn

**Not Voting—0**

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.  
The motion prevailed, 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.

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

The motion prevailed.

Senator Cherry's first statement is as follows:

This is the Senate bill that we passed a while back that takes money out of the rainy day fund to help close the hole that we have in the K-12 budget. In discussing the bill, I want to pose a question, I guess, through you to the body. But if you want to answer it, that's fine with me.

As I look at what the House did with this bill, I just wonder if when a member of the House takes the oath of office to uphold the Constitution, whether anybody requires them to read the Constitution. The Constitution is pretty clear in Section 24 of Article IV where it says, "No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content" of the bill.

What we did was send over to the House a bill amending the Management and Budget Act for the purposes of withdrawal from the BSF. That's a purpose that I think we all supported. They then altered the purpose of the bill by putting in a negative supplemental. Now, quite frankly, the negative supplemental they put in the bill is one I can support, and I suspect will be supported by every member of the body. They're going to cut the judicial budget by 5 percent and the legislative budget by 5 percent because neither of those budgets can be cut by executive order. I support that.

But I wonder if we do this in this fashion, which is clearly unconstitutional, whether the House intends to live with this cut because they don't have to—they don't have to comply with an unconstitutional act—or whether the judiciary will live with this cut because they don't have to comply with an unconstitutional act. It just seems to me that as we proceed here dealing with some very serious business of trying to bring a state budget in line that clearly is significantly out of balance because of the economy, as we engage in that very serious business, the first step out of the box ought to be right and ought to be legal, and it ought to be constitutional.

We're all going to be tempted to vote for this because it does two very good things: It takes money out of the BSF to pay for K-12 education. It will also cut our budget as our budget needs to be cut like all other budgets. It will cut the budget of the judiciary as theirs needs to be cut like all others. But it's going to be done in an unconstitutional fashion. It's going to be done by sloppy work. It just seems to me that when we engage in very serious business, we ought to take our time to do it right. Clearly, what we've got before us is a bill that in its course of passage has had its purpose changed.

I guess, Mr. President, I'd like a ruling from the Chair on the germaneness of this House amendment.

Senator Cherry's second statement is as follow:

I would like to point out that in the course of debate, ultimately, this cut—what we have here is an amendment by reference. We are amending the judicial appropriation. We are amending the legislative appropriation by an amendment to the Management and Budget Act that changes the bill in the course of its passage through the Legislature, which clearly is a violation of the Constitution. So as we make this cut to the judiciary and as we make this cut to the Legislature, let's be advised that it really has no force of law. If this institution—the Senate, the House—or the Supreme Court wishes to challenge this, they will have a successful challenge because this is being done in a nonconstitutional way.

Ultimately, because I support the two purposes, one of using the BSF to close the gap with the K-12 budget and, in fact, cutting our own budget, I will probably vote "yes" on it. It just strikes me that when we start out in this business of trying to put our fiscal house in order, it sends absolutely the wrong message when we violate our Constitution, our

rules of doing business and do this job in such a sloppy fashion. I can't believe there wasn't a vehicle on the other side. They could have put these negative supplementals in, tie-barred the two bills, and brought them over. There is a right and simple way to do this. Instead, in their haste and confusion and unfamiliarity with the rules of procedure, they chose to do a bad job that we now have to put our stamp of approval on.

Senator Emmons' statement is as follows:

I just have to rise to say that I think the important thing to the people in the state of Michigan is that we're in financial difficulty right now. We're gonna start right here in this body, and the first cuts are going to be taken here in the judiciary et cetera. We're gonna take our cuts just like everybody else. That's what's happening here, and that's what's important.

### **House Bill No. 4626, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding sections 11108a, 11131, and 11153.

The House of Representatives has amended the Senate substitute (S-3) as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"SEC. 5419. (1) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL IMPLEMENT AN ARSENIC TESTING PROGRAM. THE ARSENIC TESTING PROGRAM SHALL PROVIDE FREE TESTING OF PRIVATE DRINKING WATER WELLS FOR THE PRESENCE OF ARSENIC IN GEOGRAPHIC AREAS OF THE STATE WHERE THE DEPARTMENT KNOWS OR SUSPECTS THAT THERE ARE HIGH LEVELS OF ARSENIC.

(2) IN PROMOTING FREE DRINKING WATER TESTS UNDER THE ARSENIC TESTING PROGRAM, THE DEPARTMENT SHALL ENCOURAGE HOUSEHOLDS CONTAINING SENIOR CITIZENS, CHILDREN, AND INDIVIDUALS WITH MEDICAL ILLNESSES TO HAVE THEIR DRINKING WATER TESTED.

(3) AFTER THE DEPARTMENT CONDUCTS A TEST ON THE LEVEL OF ARSENIC IN WATER FROM A DRINKING WATER WELL, THE DEPARTMENT SHALL NOTIFY THE RESIDENT OR RESIDENTS OF THE HOUSEHOLD OF THE LEVEL OF ARSENIC IN THE DRINKING WATER SAMPLE AND WHETHER THAT LEVEL EXCEEDS THE FEDERAL DRINKING WATER STANDARD FOR ARSENIC. IN ADDITION TO THE RESULTS OF THE ARSENIC TEST, THE DEPARTMENT SHALL PROVIDE THE RESIDENT OR RESIDENTS WITH EDUCATIONAL MATERIALS ABOUT GROUNDWATER CONTAMINATION AND SHALL IDENTIFY OTHER SUBSTANCES THAT THE RESIDENT OR RESIDENTS MAY WANT TO CONSIDER HAVING THE DRINKING WATER TESTED FOR.

(4) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL ESTABLISH AN ARSENIC EDUCATION PROGRAM THAT WILL PRODUCE EDUCATIONAL MATERIALS TO BE MADE AVAILABLE TO LOCAL HEALTH DEPARTMENTS IN GEOGRAPHIC AREAS OF THE STATE THAT THE DEPARTMENT KNOWS TO CONTAIN LEVELS OF ARSENIC ABOVE THE NEW FEDERAL DRINKING WATER STANDARD. IN ADDITION, THE DEPARTMENT SHALL MAKE THIS INFORMATION AVAILABLE ON THE DEPARTMENT WEBSITE.

(5) BY OCTOBER 1, 2002, THE DEPARTMENT SHALL, BASED UPON DATA AVAILABLE TO THE DEPARTMENT AND IN CONJUNCTION WITH LOCAL HEALTH DEPARTMENTS, PRODUCE MAPS ON A COUNTY BY COUNTY BASIS TO DENOTE GEOGRAPHIC AREAS THAT THE DEPARTMENT KNOWS TO CONTAIN ARSENIC, NITRATES, OR VOLATILE ORGANIC COMPOUNDS. THE MAPS SHALL BE AVAILABLE TO LOCAL HEALTH DEPARTMENTS AND LOCAL PUBLIC LIBRARIES AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE.

(6) BY MARCH 15, 2002 AND SEPTEMBER 30, 2002, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE ON THE STATUS OF THE IMPLEMENTATION OF THIS SECTION.

(7) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(8) AS USED IN THIS SECTION:

(A) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS IT IS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.

(B) "FEDERAL DRINKING WATER STANDARD FOR ARSENIC" MEANS THE STANDARD PROMULGATED UNDER SECTION 1412 OF PART B OF TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, 42 U.S.C. 300g-1, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT."

2. Amend page 9, following line 15, by inserting:

“(E) NOT MORE THAN \$500,000.00 TO IMPLEMENT SECTION 5419.”.

3. Amend page 32, following line 6, by inserting:

“Enacting section 1. Section 5419 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5419 is repealed effective December 31, 2002.”.

The House of Representatives has concurred in the Senate substitute (S-3) as amended and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 11104, 11108, 11130, 11135, 12101, 12102, 12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130, 324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and 324.12112), sections 11104 and 11130 as amended by 1998 PA 139 and sections 12101, 12102, 12103, and 12109 as amended by 1998 PA 140, and by adding sections 5419 and 11153; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

The question being on concurring in the House amendments made to the Senate substitute,

The amendments were concurred in, a majority of the members serving voting therefor, as follows:

**Roll Call No. 416**

**Yeas—35**

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

**Nays—0**

**Excused—2**

Johnson	Vaughn
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**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title as amended.

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 Hammerstrom as Chairperson.

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

**Senate Bill No. 562, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279a.

**House Bill No. 4491, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as added by 1999 PA 141.

**House Bill No. 5036, entitled**

A bill to amend 1941 PA 122, entitled "An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 24, 30c, and 31 (MCL 205.24, 205.30c, and 205.31), sections 24 and 31 as amended by 1993 PA 14 and section 30c as amended by 1998 PA 493.

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

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

**Senate Bill No. 459, entitled**

A bill to establish a teachers loan forgiveness program for eligible new teachers in at-risk schools and shortage areas; to establish a teachers loan forgiveness fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

Substitute (S-1).

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

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

**Senate Bill No. 627, entitled**

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending section 4 (MCL 408.684), as amended by 1998 PA 137.

Substitute (S-1).

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

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

**House Bill No. 4733, entitled**

A bill to authorize the board of a school district to award high school diplomas to World War II veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Motions and Communications**

Senator Emmons moved that the Committee on Appropriations be discharged from further consideration of the following bill:

**Senate Bill No. 536, entitled**

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending section 7 (MCL 390.1477).



The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Emmons moved that the bill be referred to the Committee on Finance.

The motion prevailed.

Senator Emmons moved that the following bills, now on the order of Third Reading of Bills, be referred to the Committee on Finance:

**Senate Bill No. 509, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2001 PA 39.

**Senate Bill No. 510, entitled**

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

The motion prevailed.

### Resolutions

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

**Senate Concurrent Resolution No. 11**

The motion prevailed.

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

**Senate Resolution No. 126**

**Senate Resolution No. 127**

**Senate Resolution No. 128**

The resolution consent calendar was adopted.

Senators DeBeaussaert, Young and Schwarz offered the following resolution:

**Senate Resolution No. 126.**

A resolution honoring the 75th Anniversary of St. Joan of Arc Church in St. Clair Shores.

Whereas, St. Joan of Arc Church was established on December 8, 1927, when Father Joseph Fillion celebrated the first mass; and

Whereas, In 1965, St. Joan of Arc Church moved to its current location on Mack and Overlake Streets in St. Clair Shores. The parish is now home to approximately 4,000 families; and

Whereas, The parish school was opened with 12 classrooms in 1947. Additions have been made to the school as enrollment has increased. Today the school serves almost 800 students and was recognized in 1994 by the United States Department of Education as a Blue Ribbon School of Excellence; and

Whereas, The entire community benefits from the involvement of St. Joan of Arc Church. The members of the congregation are involved in spiritual and corporal works of mercy, serving all ages from infancy through adulthood. They give their time, efforts, and prayers to the Crossroads Soup Kitchen, American Red Cross blood drives, Knights of Columbus, and St. Vincent DePaul, among others. The parish also has a Bible study and multiple prayer groups; and

Whereas, St. Joan of Arc Church will begin the official celebration of its 75th Anniversary on December 8, 2001, and the festivities and recognition will last an entire year; now, therefore, be it

Resolved by the Senate, That we hereby commemorate the 75th Anniversary of St. Joan of Arc Church in St. Clair Shores. May its celebration serve to inspire anew the faith and inspiration that have built this community; and be it further

Resolved, That a copy of this resolution be transmitted to Monsignor Ricardo E. Bass on behalf of the entire congregation as a symbol of our congratulations on this momentous occasion.

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

Senators McCotter and Schwarz offered the following resolution:

**Senate Resolution No. 127.**

A resolution of tribute to honor James and Sara Copi.

Whereas, The members of the Michigan Senate proudly offer this tribute to James and Sara Copi, two pillars of the St. Michael and Livonia communities, who have worked tirelessly to ensure that others realize their full potential. We commemorate their achievements and express our gratitude for their dedication to both communities; and

Whereas, As the parents of ten children—three girls and seven boys—James and Sara Copi provided their full measure of devotion to each of them and instilled in them their strong faith, dedication to family, and commitment to community so they could pass it on to posterity; and

Whereas, While many boys avail themselves of the benefits offered through the Boy Scouts, only a small fraction achieve the high rank of Eagle Scout. We recognize that each of James and Sara Copi's seven sons—Craig, Keith, Gary, Doug, Scott, Ryan, and Todd—have, with the encouragement, support, and guidance of their parents, risen to the esteemed rank of Eagle Scout; and

Whereas, Eagle Scouts represent an elite class of individuals, including President Gerald R. Ford and Steven Spielberg, who demonstrate a willingness to unselfishly improve the condition of mankind early and throughout their lives; and

Whereas, The daughters of James and Sara Copi—Sherri, Janene, and Kristi—have displayed the same qualities common to all Eagle Scouts in their daily lives; and

Whereas, Apart from their devotion to their children, James and Sara Copi have enriched the lives of others through their involvement in the Friends of Scouting as fund raisers, contributors, and volunteers; and

Whereas, The Boy Scouts of America have recognized the hard work and leadership of James and Sara Copi over the past 22 years with the District Award of Merit, among others; and

Whereas, We are certain that James and Sara Copi will continue to serve the St. Michael and Livonia communities long into the future. We know that their sons and daughters and the work that they will do for the betterment of humanity will be the greatest tribute to their parents; now, therefore, be it

Resolved by the Senate, That we express our sincere gratitude and admiration in tribute for the ceaseless devotion of James and Sara Copi to their family, their faith, and their community; and be it further

Resolved, That a copy of this resolution be transmitted to James and Sara Copi as evidence of our admiration and esteem.

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

Senator Hoffman offered the following resolution:

**Senate Resolution No. 128.**

A resolution to commemorate September 11 as Pledge of Allegiance Day.

Whereas, September 11 symbolizes a day to commemorate the spirit of patriotism and devotion to our country, where America is united for liberty and justice for all; and

Whereas, Every year we need to celebrate the lives lost on this date in New York City, Washington, D.C., and Pennsylvania, where terrorist attacks tragically resulted in an outpouring of volunteerism, patriotism, and support for our country and its institutions; and

Whereas, The inception of the Pledge of Allegiance can be traced back to September 1892, when Baptist Minister Francis Bellamy published a few words for American students to repeat on Columbus Day. Those words were printed on thousands of leaflets to be distributed across the nation, and on October 12, 1892, the quadricentennial of the arrival of Christopher Columbus, more than 12 million children recited the pledge; and

Whereas, The original pledge saw two changes before it became the affirmation that we know to this day. In 1923, at the first National Flag Conference in Washington, D.C., under the leadership of the American Legion and the Daughters of the American Revolution, the phrase "the Flag of the United States" was added to the pledge; and

Whereas, Our Pledge of Allegiance was officially recognized by the United States Congress in 1942. In 1954, in an effort sponsored by the Knights of Columbus, the words "under God" were added to the motto; and

Whereas, We as Americans can all be thankful to Francis Bellamy for the inspirational motto he created. The Pledge of Allegiance is a commitment of dedication to our majestic nation. It is a pledge that when spoken invokes a true sense of patriotism and inspires our loyalty to these great United States of America. From elementary schools to government offices to our living rooms, the Pledge of Allegiance truly personifies the great American virtues of liberty, equality, and freedom; now, therefore, be it

Resolved by the Senate, That we hereby commemorate September 11 as Pledge of Allegiance Day. We are not only affirming our convictions of patriotism, but at an appropriate time, we will also pause to reflect by reciting the pledge to renew our commitment to our country as well as honor the victims of New York City, Washington, D.C., and Pennsylvania who tragically lost their lives to faceless terror. May we as Americans use this day of pledge to remember our lost friends and family members and continue to unite and prosper as one great nation; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, Governor John Engler, and members of the Michigan congressional delegation as a token of our convictions as proud Americans.

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

The motion prevailed.

Senator Dunaskiss' statement is as follows:

I would like to talk about a very, very fine staff person who served the Senate and my office very top-notch for a long period of time. Joelle Demand has been a member of my family, a member of our staff, and a great asset to the

state and to the Senate. I'm sorry that she's leaving the Senate, but she's going over to the other side of the building to the House to become a House policy advisor over there, so the state will continue with her expertise. She'll start on Monday, and we're certainly going to miss her.

But I do thank all of my colleagues for signing the Great Seal of the state of Michigan, and I ask that my colleagues and staff join in saying goodbye to a very, very good friend.

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 44.**

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 Natural Resources State Fish Hatchery Renovations Oden Project.

Whereas, 2001 PA 81 established the Department of Natural Resources State Fish Hatchery Renovations at a total authorized project cost of \$23,300,000 (the State Building Authority (the "Authority") share is \$20,000,000 and the State General Fund/General Purpose share is \$3,300,000). The Authority's share of the project is composed of two components, the renovation of the existing Oden Fish Hatchery (the "Facility") and the renovation of the existing Platt River Fish Hatchery (the "Platt Facility"); and

Whereas, The estimated project costs for the Facility and the Platt Facility are \$11,801,000 and \$8,199,000, respectively, which in the aggregate is equal to the Authority's share of the total project cost of \$20,000,000 for the Department of Natural Resources State Fish Hatchery Renovations; and

Whereas, The portions of the Facility and the Platt Facility to be financed by the Authority shall be \$11,801,000 and \$8,199,000, respectively, which in the aggregate is equal to the share of the total authorized cost to be financed by the Authority; and

Whereas, The remaining \$3,300,000 of the authorized State General Fund/General Purpose share will be used on various other state fish hatchery renovations around the State of Michigan; and

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 Natural Resources State Fish Hatchery Renovations Oden Project located in Emmet 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 Natural Resources State Fish Hatchery Renovations Oden Project shall not exceed \$11,801,000 (the Authority share is \$11,801,000 and the State General Fund/General Purpose share is \$0), 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 \$11,801,000, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$995,000 and \$1,250,000, 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 question being on the adoption of the concurrent resolution,

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

The motion prevailed.

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

Senator Gast offered the following concurrent resolution:

**Senate Concurrent Resolution No. 45.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Grand Rapids Community College relative to the Grand Rapids Community College Main Building Renovation.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Grand Rapids 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 Grand Rapids Community College Main Building Renovation (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 Grand Rapids Community College Main Building Renovation shall not exceed \$6,000,000 (the Authority share is \$2,999,800, the State General Fund/General Purpose share is \$200, and the Educational Institution share is \$3,000,000), 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 \$2,999,800, 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 \$250,000 and \$320,000, 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 Grand Rapids Community 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 question being on the adoption of the concurrent resolution,  
Senator Emmons moved that the concurrent resolution be referred to the Committee on Appropriations.  
The motion prevailed.  
Senator Young was named co-sponsor of the concurrent resolution.

The Assistant President pro tempore, Senator Hoffman, resumed the Chair.

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

Senators Garcia, Dingell, Bennett, Hoffman, Gougeon, Schuette and Steil introduced  
**Senate Bill No. 809, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 231 (MCL 750.231), as amended by 1998 PA 510.

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

Senator Peters introduced

**Senate Bill No. 810, entitled**

A bill to amend 1980 PA 523, entitled "Michigan code of military justice of 1980," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Bullard introduced

**Senate Bill No. 811, entitled**

A bill to amend 1941 PA 205, entitled "An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the receipt and expenditure of funds generated from the facilities," by amending section 2 (MCL 252.52), as amended by 2001 PA 47.

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

Senator Bullard introduced

**Senate Bill No. 812, entitled**

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 1994 PA 306, and by adding section 1a.

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

Senator Bullard introduced

**Senate Bill No. 813, entitled**

A bill to amend 1925 PA 17, entitled "An act to provide for the construction, improvement and maintenance of trunk line highways," by amending section 2 (MCL 250.62), as amended by 1987 PA 188.

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

### Committee Reports

The Committee on Health Policy reported

**Senate Resolution No. 109.**

A resolution to memorialize the Congress of the United States to enact legislation to permit states to promote long-term care insurance under Medicaid.

(For text of resolution, see Senate Journal No. 64, p. 1704.)

With the recommendation that the resolution be adopted.

Dale L. Shugars  
Chairperson

To Report Out:

Yeas: Senators Shugars, Hammerstrom and Schwarz

Nays: None

The resolution was placed on the order of Resolutions.

### COMMITTEE ATTENDANCE REPORT

The Committee on Health Policy submits the following:

Meeting held on Tuesday, October 30, 2001, at 3:00 p.m., Room 100, Farnum Building

Present: Senators Shugars (C), Hammerstrom and Schwarz

Excused: Senators Byrum and Emerson

### Scheduled Meetings

**Appropriations** - Wednesday, November 7, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Subcommittee -**

**Capital Outlay, Joint** - Wednesday, November 7, 8:45 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Appropriations, Joint Senate/House** - Tuesday, November 6, 2:00 p.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

**Government Operations** - Tuesday, November 6, 4:00 p.m., Room 402, Capitol Building; and Thursday, November 8, 1:00 p.m., Room 405, Capitol Building (373-1707)

**Great Lakes Conservation Task Force** - Monday, November 5, 6:00 p.m., St. Joseph Public Library, 500 Market, St. Joseph; Monday, November 26, 6:00 p.m., Saginaw Valley State University, Curtis Center, 2250 Pierce Road, University Center (373-0797)

**Health Policy** - Tuesday, November 6, 3:00 p.m., Room 100, Farnum Building (373-0793)

**Hunting, Fishing and Forestry** - Wednesday, November 7, 9:00 a.m., Room 110, Farnum Building (373-2426)

**Local, Urban and State Affairs** - Wednesday, November 7, 3:00 p.m., Room 405, Capitol Building (373-1707)

**Senior Citizens and Veterans Affairs** - Monday, November 5, 6:00 p.m., Vietnam Veterans of America Post 133, 581 West Kennett, Pontiac (373-2417)

Senator Emmons moved that the Senate adjourn.

The motion prevailed, the time being 11:17 a.m.

The Assistant President pro tempore, Senator Hoffman, declared the Senate adjourned until Tuesday, November 6, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.