

No. 21
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
90th Legislature
REGULAR SESSION OF 1999

House Chamber, Lansing, Wednesday, March 10, 1999.

2:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Patterson.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—present	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegthem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—present
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnack—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—present	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

Rep. Eileen DeHart, from the 18th District, offered the following invocation:

“Lord, Bless us this day as we are about to do Your work for the people of the State of Michigan. Let us work together, from both party affiliations, for the good of all the people regardless of race, gender or wealth. Let us remember that whatsoever we do to the least of our brothers that we do unto You. When we go to sleep each night let us know we did the best we could for that day and when we rise each morning, give us the strength to do better than yesterday. Make us realize our duty to those people who elected us and help us fulfill our obligations to them. Amen.”

Second Reading of Bills

House Bill No. 4323, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 721 (MCL 257.721), as amended by 1995 PA 248.

The bill was read a second time.

Rep. Geiger moved that the bill be placed on the order of Third Reading of Bills.

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

House Bill No. 4318, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales,” by amending section 1 (MCL 445.111), as amended by 1998 PA 126.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Insurance and Financial Services (for amendment, see House Journal No. 18, p. 261),

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

Rep. Sanborn moved that the bill be placed on the order of Third Reading of Bills.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4060, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80152 (MCL 324.80152), as added by 1995 PA 58.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 73

Yeas—104

Allen	Frank	Koetje	Rivet
Baird	Garcia	Kowall	Rocca
Basham	Garza	Kuipers	Sanborn
Birkholz	Geiger	Kukuk	Schauer
Bisbee	Gielegghem	LaForge	Schermesser
Bishop	Gilbert	LaSata	Scott
Bogardus	Godchaux	Law	Scranton
Bradstreet	Gosselin	Lockwood	Shackleton
Brater	Green	Mans	Sheltrown
Brewer	Hager	Mead	Shulman
Brown, B.	Hale	Middaugh	Spade
Brown, C.	Hanley	Mortimer	Stallworth
Byl	Hansen	Neumann	Stamas
Callahan	Hardman	O’Neil	Switalski
Cassis	Hart	Pappageorge	Tabor
Caul	Howell	Patterson	Tesanovich
Cherry	Jacobs	Perricone	Thomas
Clark	Jamnick	Pestka	Toy

Clarke	Jansen	Price	Van Woerkom
Daniels	Jelinek	Prusi	Vander Roest
DeHart	Jellema	Pumford	Vaughn
DeRossett	Johnson, Rick	Rackowski	Vear
DeVuyst	Johnson, Ruth	Reeves	Voorhees
DeWeese	Julian	Richardville	Wojno
Ehardt	Kelly	Richner	Woodward
Faunce	Kilpatrick	Rison	Woronchak

Nays—2

Bovin

Martinez

In The Chair: Patterson

The House agreed to the title of the bill.

Rep. Rackowski moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

House Bill No. 4231, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by repealing section 49 (MCL 169.249).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Perricone moved that consideration of the bill be postponed for the day.

The motion prevailed.

Rep. Rackowski moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Brater, Hansen, LaForge, Rocca, Schauer, Kelly, DeHart, Schermesser, Jamnick, DeRossett, Green, Scranton, Van Woerkom, Bogardus, Prusi, Cherry, Martinez, Scott, Dennis, Woodward, Vear, Kilpatrick, Baird, Kowall, Spade and Clarke offered the following resolution:

House Resolution No. 33.

A resolution commemorating the month of March 1999 as Teen Health Month in Ann Arbor.

Whereas, Based on geographic, financial, transportation, and other barriers, adolescents still have many health needs that are unmet; and

Whereas, Developing attitudes of health and health care can affect an adolescent’s lifelong well-being, while his or her reluctance to seek health care make outreach and education crucial; and

Whereas, The University of Michigan Health Systems, the Junior League of Ann Arbor, and the Neutral Zone Teen Center are sponsoring a month-long series promoting healthy life styles and providing accurate and timely health-related information to Ann Arbor high school teens; and

Whereas, The combined effort of the University of Michigan, the Junior League, the Neutral Zone Teen Center, and area teens will make adolescents more aware of their health needs; and

Whereas, The program may prove useful to other communities in promoting adolescent health; now, therefore, be it

Resolved by the House of Representatives, That March 1999 be declared Teen Health Month in Ann Arbor, Michigan; and be it further

Resolved, That copies of this resolution be transmitted to all those involved with Teen Health Month.

The resolution was referred to the Committee on Health Policy.

Reps. Brater, Hansen, LaForge, Schauer, Kelly, DeHart, Schermesser, Jamnick, DeRossett, Green, Bogardus, Prusi, Cherry, Martinez, Scott, Dennis, Woodward, Vear, Kilpatrick, Baird, Kowall, Clarke and Hanley offered the following resolution:

House Resolution No. 34.

A resolution honoring Leo Heatley on his retirement.

Whereas, With his retirement from his responsibilities with the University of Michigan Department of Public Safety, Leo Heatley is bringing to a close an outstanding career of more than forty years of law enforcement in this state. He has faithfully handled his responsibilities to the people of the Ann Arbor community for almost twenty years and his friends and colleagues are gathering to thank him on Friday, March 19, 1999; and

Whereas, Highlights of Leo Heatley's accomplishment-filled career are many. His career started in 1955 with the Ann Arbor Police Department. He moved to the Michigan State Police in 1956, serving at the Ypsilanti, South Haven, Lansing, and Detroit posts until 1979, when he came to the University of Michigan, first serving as Assistant Director from 1979 to 1984, and Director from 1984 until his retirement. Leo Heatley helped to establish the University of Michigan police force in 1990. He has continually set standards of service that epitomize the values and qualities we seek in the men and women who commit themselves to public safety; and

Whereas, Leo Heatley's other achievements in law enforcement include graduation from Madonna College in Criminal Justice and the Federal Bureau of Investigation National Academy, and he will be assisting the United Nations with the International Police Monitoring Force in Bosnia with the implementation of the Bosnian National Police Force; and

Whereas, In addition to his official duties, Leo Heatley has been an active citizen with community organizations such as the PTA, Little League, Boy Scouts, Washtenaw County Law Enforcement Association, and the Michigan Association of Chiefs of Police to name a few. Married in 1956 to Faye, they have raised five children: David, Susan, Christopher, Anne-Marie, and Michael, and have nine grandchildren: Jennifer, Rachael, Allison, Caitlan, Evan, Madeline, Kaeleigh, Dylan, and Patrick; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Leo James Heatley as he retires from the University of Michigan Department of Public Safety after many years of dedicated service. May he know of our admiration and warmest wishes; and be it further

Resolved, That a copy of this resolution be transmitted to Director Heatley as evidence of our esteem for his years in law enforcement.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Wojno, LaForge, Rocca, Schauer, Kelly, DeHart, Schermesser, Jamnick, Green, Scranton, Neumann, Bogardus, Prusi, Scott, Vander Roest, Dennis, Woodward, Minore, Rivet, Sheltroun, Vear, Kilpatrick, Baird, Ehardt, Bradstreet, Kowall, Voorhees, Spade, Clarke and Sanborn offered the following resolution:

House Resolution No. 35.

A resolution to memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes.

Whereas, The federal income tax system includes deductions and credits for a wide variety of personal and business expenses. These exceptions from certain calculations of taxation reflect public policy values that elected officials have established over many years; and

Whereas, In determining federal tax liability, most state and local taxes are deductible, including income taxes and property taxes. These policies recognize the value of taxes paid to finance state and local government activities. For many years, state sales taxes were also deductible. Federal tax laws were changed in 1986 to discontinue the deductibility of state sales taxes; and

Whereas, It is inconsistent for the federal government to allow citizens to deduct some taxes paid for state and local government, such as property and income taxes, and not allow deductions for state sales taxes. State sales taxes, in Michigan as elsewhere, finance the same types of public purpose programs financed through other state and local taxes that are fully deductible. The current situation is very inconsistent and frustrating to taxpayers across our state and throughout the country; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Tax Policy.

Reps. Richardville, Faunce, Kukuk, Stamas, Caul, Howell, Woronchak, Cameron Brown, Shulman, Mortimer, Gilbert, Sanborn, Julian, DeWeese, Bisbee, Shackleton, Kowall, Van Woerkom, Toy, Middaugh, LaForge, Rocca, Kelly, DeHart, Schermesser, Cassis, DeRossett, Green, Birkholz, Scranton, Jelinek, Tabor, Neumann, Raczkowski, Bogardus, Prusi, Pappageorge, Scott, Vander Roest, Vear, Richner, Ehardt, Voorhees, LaSata, Godchaux, Hanley offered the following concurrent resolution:

House Concurrent Resolution No. 14.

A concurrent resolution to memorialize the Congress and the President of the United States to enact legislation that preserves the health and stability of the Social Security system.

Whereas, For more than sixty years, Social Security has provided a safety net for American workers. Evolving over the years and reflecting changes in our population and expectations, Social Security is a defining component of our society. It affects every household in the country; and

Whereas, In the well-publicized discussion of how to fix the financial framework of the system to safeguard its solvency in perpetuity, many suggestions have been made. The reactions to some of the ideas put forth makes it clear that it is too easy for talks to deteriorate to political gamesmanship rather than honest, fact-based exchanges of proposals. It is important for all Americans that talks on Social Security not be sidetracked to other matters. Social Security is far too important to our common future to have the true goals obscured; and

Whereas, History shows that there is no limit to what can be accomplished when people work together honestly and cohesively to solve problems. The solvency of Social Security is an issue that demands the focused attention of our nation and our elected officials; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress and the President of the United States to enact legislation that preserves the health and stability of the Social Security system; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on House Oversight and Operations.

Reps. Wojno, LaForge, Rocca, Schauer, Kelly, DeHart, Schermesser, Ruth Johnson, Green, Scranton, Neumann, Bogardus, Prusi, Scott, Vander Roest, Dennis, Woodward, Minore, Rivet, Sheltroun, Vear, Kilpatrick, Baird, Ehardt, Bradstreet, Kowall, Voorhees, Spade, Clarke and Sanborn offered the following concurrent resolution:

House Concurrent Resolution No. 15.

A concurrent resolution to memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes.

Whereas, The federal income tax system includes deductions and credits for a wide variety of personal and business expenses. These exceptions from certain calculations of taxation reflect public policy values that elected officials have established over many years; and

Whereas, In determining federal tax liability, most state and local taxes are deductible, including income taxes and property taxes. These policies recognize the value of taxes paid to finance state and local government activities. For many years, state sales taxes were also deductible. Federal tax laws were changed in 1986 to discontinue the deductibility of state sales taxes; and

Whereas, It is inconsistent for the federal government to allow citizens to deduct some taxes paid for state and local government, such as property and income taxes, and not allow deductions for state sales taxes. State sales taxes, in Michigan as elsewhere, finance the same types of public purpose programs financed through other state and local taxes that are fully deductible. The current situation is very inconsistent and frustrating to taxpayers across our state and throughout the country; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States to enact and the President to sign legislation to allow state sales taxes to be deductible from federal income taxes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Tax Policy.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 16.

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 Lake Superior State University relative to the Lake Superior State University Crawford Hall Addition and Remodeling.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Lake Superior 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 Crawford Hall Addition and Remodeling (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost of the Lake Superior State University Crawford Hall Addition and Remodeling shall not exceed \$23,000,000 (the Authority share is \$17,249,900, the State General Fund/General Purpose share is \$100 and the Educational Institution share is \$5,750,000), 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 \$17,249,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

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

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,714,000 and \$2,911,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is 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 State Building Authority, the State Budget Director, and officials of Lake Superior State University.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 17.

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 Montcalm Community College relative to the Montcalm Community College Vocational/Technical Facility.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Montcalm 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 Vocational/Technical Facility (the "Facility") is currently owned by the Educational Institution; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the

members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State of Michigan (the "State") may enter into a lease with the Authority upon a showing of a public purpose; and

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Montcalm Community College Vocational/Technical Facility shall not exceed \$11,400,000 (the Authority share is \$5,699,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$5,700,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$5,699,900, 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 \$555,000 and \$928,000, 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 State Building Authority, the State Budget Director, and officials of Montcalm Community College.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 18.

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 Education, Michigan School for the Deaf and Blind Residential Facilities.

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 of the Michigan School for the Deaf and Blind Residential Facilities located in Genesee 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 House of Representatives (the Senate concurring), That the Total Facility Cost for the Michigan School for the Deaf and Blind Residential Facilities shall not exceed \$1,500,000, 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 \$1,485,000, 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 \$138,000 and \$227,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is 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 State Building Authority, and the State Budget Director.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 18.1246.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 19.

A concurrent resolution to change the scope of the Department of Corrections Secure Level I Correctional Facility at St. Louis, the nine 240 Open Bay Level I and II housing units at existing facilities, and the three 120 Closed Cell Level IV housing units at existing facilities projects.

Whereas, The Secure Level I Correctional Facility at St. Louis project was authorized with a total cost of \$30,000,000 in 1998 PA 273; and

Whereas, The nine 240 bed Open Bay Level I and II housing units at existing facilities project was authorized with a total cost of \$63,600,000 in 1998 PA 273; and

Whereas, The three 120 Closed Cell Level IV housing units at existing facilities project was authorized with a total cost of \$22,400,000 in 1998 PA 273; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the Secure Level I Correctional Facility at St. Louis has decreased to \$25,000,000; and

Whereas, The State Building Authority share of the Secure Level I Correctional Facility at St. Louis project will be decreased from \$29,700,000 to \$24,700,000; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the nine 240 bed Open Bay Level I and II housing units at existing facilities has increased to \$64,500,000; and

Whereas, The State Building Authority share of the nine 240 bed Open Bay Level I and II housing units at existing facilities project will be increased from \$62,964,000 to \$63,864,000; and

Whereas, The Department of Corrections has estimated that the cost to complete the total project for the three 120 Closed Cell Level IV housing units at existing facilities project has increased to \$26,500,000; and

Whereas, The State Building Authority share of the three 120 Closed Cell Level IV housing units at existing facilities project will be increased from \$22,176,000 to \$26,276,000; and

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

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to reduce the total authorized cost for the Secure Level I Correctional Facility at St. Louis project to an amount not to exceed \$25,000,000 (State Building Authority share \$24,700,000 and State General Fund/General Purpose share \$300,000); to increase the total authorized cost for the nine 240 bed Open Bay Level I and II housing units at existing facilities to an amount not to exceed \$64,500,000 (State Building Authority share \$63,864,000 and State General Fund/General Purpose share \$636,000); and to increase the total authorized cost for the three 120 Closed Cell Level IV housing units at existing facilities project to an amount not to exceed \$26,500,000 (State Building Authority share

\$26,276,000 and State General Fund/General Purpose share \$224,000) and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Department of Corrections.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL § 18.1246.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 20.

A concurrent resolution to change the scope of the Department of Agriculture—Geagly Laboratory project.

Whereas, The Department of Agriculture—Geagly Laboratory project was authorized with a total cost of \$10,000,000 in 1996 PA 480; and

Whereas, The Department of Agriculture has estimated that the cost to complete the total project for the Geagly Laboratory has increased to \$12,000,000; and

Whereas, The State Building Authority share of the project will be increased from \$9,900,000 to \$11,900,000; and

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

Resolved by the House of Representatives (the Senate concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Department of Agriculture—Geagly Laboratory project to an amount not to exceed \$12,000,000 (State Building Authority share \$11,900,000 and State General Fund/General Purpose share \$100,000) and that the Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That a copy of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Department of Agriculture.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 21.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Michigan Technological University relative to the Michigan Technological University Performing Arts and Education Center.

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

Whereas, The site for the Performing Arts and Education Center (the “Facility”) is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost of the Michigan Technological University Performing Arts and Education Center shall not exceed \$20,000,000 (the Authority share is \$4,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is

\$15,000,000), 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 \$4,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and the 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 \$487,000 and \$814,000, as shall reflect variations that may occur in the components upon which the appraisal of true rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is 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 State Building Authority, the State Budget Director, and officials of Michigan Technological University.

The concurrent resolution was referred to the Committee on Appropriations.

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL §§ 830.415 and 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Jellema offered the following concurrent resolution:

House Concurrent Resolution No. 22.

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 Kirtland Community College relative to the Kirtland Community College Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Board of Trustees of Kirtland 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 Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost of the Kirtland Community College Academic Building, Art/Maintenance Building, and Administration Building Remodeling and Additions shall not exceed \$7,234,000 (the Authority share is \$3,616,900, the State General Fund/General Purpose share is \$100, and the Educational Institution share is \$3,617,000), 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 \$3,616,900, 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 \$335,000 and \$554,000, 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 State Building Authority, the State Budget Director, and officials of Kirtland Community College.

The concurrent resolution was referred to the Committee on Appropriations.

Reports of Standing Committees

The Committee on Education, by Rep. Allen, Chair, reported

Senate Bill No. 297, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 402 and 471a (MCL 380.402 and 380.471a), section 471a as amended by 1982 PA 71, and by adding part 5A and sections 379 and 449.

With the recommendation that the substitute (H-5) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 297 To Report Out:

Yeas: Reps. Allen, Ruth Johnson, Bradstreet, DeWeese, Hager, Hart, Rick Johnson, Kuipers, Van Woerkom, Voorhees,

Nays: Reps. Bogardus, Clark, Daniels, Gielegheem, Hansen, Scott, Spade.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Allen, Chair of the Committee on Education, was received and read:

Meeting held on: Tuesday, March 9, 1999, at 10:30 a.m.,

Present: Reps. Allen, Ruth Johnson, Bradstreet, DeWeese, Hager, Hart, Rick Johnson, Kuipers, Van Woerkom, Voorhees, Bogardus, Clark, Daniels, Gielegheem, Hansen, Scott, Spade.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sanborn, Chair of the Committee on Insurance and Financial Services, was received and read:

Meeting held on: Wednesday, March 10, 1999, at 9:00 a.m.,

Present: Reps. Sanborn, Bisbee, Bishop, DeVuyst, Ehardt, Hager, Rick Johnson, Julian, Law, Richner, Shackleton, Van Woerkom, Wojno, Basham, Bob Brown, Clark, Daniels, Hale, O'Neil, Scott, Thomas.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Roest, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Wednesday, March 10, 1999, at 9:00 a.m.,

Present: Reps. Vander Roest, Voorhees, Cassis, Faunce, Rocca, Tabor, DeHart, Bovin, Hardman, Spade,

Absent: Rep. Woronchak,

Excused: Rep. Woronchak.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Middaugh, Chair of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, March 10, 1999, at 10:30 a.m.,

Present: Reps. Middaugh, Bradstreet, Birkholz, Bisbee, Cassis, Garcia, Gosselin, Howell, Kowall, Kuipers, Richardville, Shulman, Thomas, Bob Brown, Daniels, Hansen, Lemmons, Neumann, Quarles, Schauer, Woodward.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members, Thursday, March 4:

Senate Bill No. 407

The Clerk announced that the following bills had been printed and placed upon the files of the members, Monday, March 8:

Senate Bill Nos. 401 402 403 404 405 406 409 411 412 413 414

Communications from State Officers

The following communication from the Department of Civil Service was received and read:

March 8, 1999

Enclosed is the Appropriation/Fiscal Analysis Report for the Department of Civil Service for fiscal year 1997-98. This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,
John F. Lopez
State Personnel Director

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

March 10, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of the
Traffic and Safety Division
Bureau of Highway Technical Services
Michigan Department of Transportation
March 1999

March 10, 1999

Enclosed is a copy of the following audit report and/or executive digest:

Performance Audit of
Southgate Center
Department of Community Health
March 1999

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on House Oversight and Operations.

Introduction of Bills

Rep. Mortimer introduced

House Bill No. 4406, entitled

A bill to authorize the transmission, receipt, and storage of information and signatures by electronic means.

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

Rep. Callahan introduced

House Bill No. 4407, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding section 2969.

The bill was read a first time by its title and referred to the Committee on Family and Civil Law.

Rep. Shackleton moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

Associate Speaker Pro Tempore Patterson declared the House adjourned until Thursday, March 11, at 12:00 Noon.

GARY L. RANDALL

Clerk of the House of Representatives.

