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House Chamber, Lansing, Tuesday, April 12, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—excused	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—excused
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Morris W. Hood, III, from the 11th District, offered the following invocation:

“Lord, we come before You again in prayer to ask You for Your guidance, Your wisdom, and Your strength to allow us to make the correct decisions that affect Your children.

Let us pray for our soldiers and for their safe return home to their loved ones. Let us pray, O Lord, for those who have fallen upon hard times and for those who cannot take care of themselves because of hurdles that have been placed before them. Let us pray for the legislators, staff, and all who have lost loved ones.

Lord, we ask for forgiveness because in this world we live in, we have a tendency to take for granted the most precious gift that You have ever given us. Life. May we treat each other, each day, as our last—letting our families and friends know that we appreciate and love them.

Finally, Lord, we pray to be better sons, daughters, fathers, mothers, husbands, wives, and most of all friends to one another, because You are the common denominator in all of us, and we must use this to be the best children of You that we can.

We must pray that and remember tomorrow is not promised to us, so do all that we can today, and tell your family you love them because in a twinkling of an eye your life can change, as you know it could change.

I must ask for a personal prayer for my nephew who is a police officer, who was injured in the line of duty last week. Please, I welcome your prayers. We ask this in Your name, Lord. Amen.”

Rep. Palmer moved that Rep. DeRoche be excused from today’s session.
The motion prevailed.

Rep. Sak moved that Rep. Williams be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Hildenbrand, Sak, Accavitti, Adamini, Ball, Bieda, Booher, Byrnes, Caul, Elsenheimer, Espinoza, Farhat, Farrah, Garfield, Gleason, Gonzales, Gosselin, Hansen, Hopgood, HuiZenga, Jones, Kooiman, Lemmons, Jr., Lipsey, Mayes, McDowell, Meyer, Mortimer, Murphy, Newell, Plakas, Polidori, Proos, Robertson, Rocca, Shaffer, Taub, Tobocman, Vander Veen, Wojno, Zelenko, Brandenburg, Casperson, Caswell, Clemente, Green, Kehrl, Lemmons, III, Moore, Nitz, Palsrok, Pavlov, Phillips, Schuitmaker and Spade offered the following resolution:

House Resolution No. 44.

A resolution honoring Frederik Meijer Gardens & Sculpture Park for ten years of operations.

Whereas, The Frederik Meijer Gardens & Sculpture Park has developed the cultural identity for the Grand Rapids metropolitan area and the state of Michigan; and

Whereas, The Frederik Meijer Gardens & Sculpture Park emphasizes the importance of art, nature, and environmental education; and

Whereas, Frederik Meijer Gardens & Sculpture Park was established in 1995 under the name of the West Michigan Horticulture Society and has become the second leading attraction within the state of Michigan; and

Whereas, Frederik Meijer Gardens & Sculpture Park was founded with the aim of exploring the duality between art and nature through its world-class sculpture and landscape design; and

Whereas, Frederik Meijer Gardens & Sculpture Park has served as the most significant outdoor sculpture experience in the Midwest and is home to Michigan’s largest tropical conservatory and children’s garden; and

Whereas, Frederik Meijer Gardens & Sculpture Park is headquartered in the township of Grand Rapids and has amplified its influence beyond the Grand Rapids metropolitan area, consequently increasing the cultural sophistication of Michigan and the Midwest; and

Whereas, Frederik Meijer Gardens & Sculpture Park has positively contributed to Michigan’s tourism industry by attracting in-state and out-of-state visitors with its landmark exhibitions and enchanting landscapes; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Frederik Meijer Gardens & Sculpture Park for ten years of operations. We salute the Frederik Meijer Gardens & Sculpture Park for its commitment to the visual arts, horticulture, and educational excellence and for being one of Michigan’s most important cultural resources; be it further

Resolved, That a copy of this resolution be transmitted to Frederik Meijer Gardens & Sculpture Park in recognition of our most sincere congratulations for ten years of enriching the lives of the citizens of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward 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. Van Regenmorter, Accavitti, Adamini, Ball, Bieda, Booher, Brown, Byrnes, Caul, Condino, Elsenheimer, Espinoza, Farhat, Farrah, Garfield, Gleason, Gonzales, Gosselin, Hansen, Hildenbrand, Hood, Hopgood, Huizenga, Hummel, Jones, Kooiman, Lemmons, Jr., Lipsey, Mayes, McDowell, Meyer, Mortimer, Murphy, Newell, Plakas, Polidori, Proos, Robertson, Rocca, Sak, Shaffer, Taub, Tobocman, Vagnozzi, Vander Veen, Wojno, Zelenko, Brandenburg, Casperson, Caswell, Clemente, Green, Kehrl, Lemmons, III, McConico, Moore, Nitz, Palsrok, Pavlov, Phillips, Schuitmaker and Spade offered the following resolution:

House Resolution No. 45.

A resolution commemorating April 10-16, 2005, as Crime Victims' Rights Week.

Whereas, With the implementation of the Crime Victim's Rights Act in 1985 and the passage of the Crime Victim Constitutional Amendment in 1988, crime victims in Michigan enjoy some of the most comprehensive constitutionally guaranteed rights in the nation. On this twentieth anniversary of the implementation of Michigan's Crime Victim's Rights Act, we celebrate the fact that victims in Michigan are no longer disenfranchised from the criminal justice system. Indeed, victims of crime are an integral part of the delivery of justice and have formed a community of support both in the private and public sectors; and

Whereas, The support groups that have arisen are many and varied. These groups range from volunteers coordinated by county sheriff's offices that work in teams of two to assist victims of crime at the very first moment a crime has occurred, to the motivated and concerned individuals in the each county prosecutor's office who assist crime victims throughout the court process, to the advocates within the Michigan Department of Corrections who ensure the continued implementation of victims' rights throughout the incarceration period of the criminal defendant, to the many and varied support groups that have arisen across the state. Each of these groups will be honored and present at the Crime Victims' Rights Candlelight Vigil on April 13, 2005, in Lansing, Michigan; and

Whereas, The existence of these groups and the visibility of victims in the criminal justice process can be largely attributed to the Crime Victim Constitutional Amendment which was overwhelmingly approved by the voters of Michigan in 1988. For twenty years, Michigan victims have been afforded a multitude of rights throughout the process. Most importantly, the victim is treated with fairness and respect for their dignity and privacy throughout the entire process. The rights granted to victims have provided awareness throughout our state, making the important statement that the system created to address the wrong done to a victim does in fact include the victim. This facet of the process that was sadly missing prior to the passage of the Crime Victim's Rights Act and the Crime Victim Constitutional Amendment approximately two decades ago; and

Whereas, The exchange of information and raising the level of public awareness are the focus of National Crime Victims' Rights Week. This week continues to serve as a driving force for changes in attitude and law in not only Michigan, but the entire country; now, therefore, be it

Resolved by the House, That the members of this legislative body commemorate April 10-16, 2005, as Crime Victims' Rights Week. We also celebrate the twentieth anniversary of victims' rights in Michigan. We will pay our respects to those who have been victimized by violent crime, as well as salute the many dedicated individuals who work daily on behalf of Michigan victims, at the Candlelight Vigil to be held on Wednesday, April 13, 2005, at the State Capitol; and be it further

Resolved, That a copy of this resolution be transmitted to the coordinators of this event as evidence of our respect and best wishes.

Pending the reference of the resolution to a committee,

Rep. Ward 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. Schuitmaker, Proos, Accavitti, Byrnes, Caul, Elsenheimer, Espinoza, Garfield, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kooiman, Lemmons, Jr., Lipsey, Meyer, Mortimer, Murphy, Newell, Plakas, Polidori, Robertson, Shaffer, Vander Veen, Wojno, Brandenburg, Casperson, Clemente, Kehrl, Moore, Nitz, Pavlov and Spade offered the following concurrent resolution:

House Concurrent Resolution No. 8.

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the Palisades Nuclear Power Plant.

Whereas, The Palisades Nuclear Power Plant is in the process of renewing its operating license. The Palisades Nuclear Power Plant has been generating electricity safely, reliably, and efficiently at its facilities in Covert, Michigan,

for 34 years under an operating license issued by the Nuclear Regulatory Commission in 1971. This license will expire in 2011; and

Whereas, The Palisades Nuclear Power Plant is a key electric load-serving entity for Consumers Energy, the second largest electric utility in Michigan, serving 1.75 million electric customers. The Palisades Nuclear Power Plant generates 789 megawatts of electricity, which represents about 18 percent of Consumers Energy's total electric capacity, and is enough to serve a community of 500,000; and

Whereas, In 1996, the Institute of Nuclear Power Operations characterized Palisades' performance as "exemplary." In 2000, Palisades set a plant record for working four years without a lost-time accident and received the National Safety Council's "Industry Leader" award for industrial safety in 1999; and

Whereas, It is vitally important to the citizens of Michigan that the Palisades Nuclear Power Plant continue to operate and generate electricity. The United States Energy Information Administration (EIA) forecasts that electricity demand will increase almost 50 percent over the next 20 years. Nuclear power, which provides about 20 percent of the electricity our nation consumes, is the second-largest source of electricity and is an important component of the national fuel mix. With the EIA expecting no new nuclear power plants to be constructed in the next 20 years, the Palisades Nuclear Power Plant provides electric generating capacity that is crucial to the future of our state and the nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Nuclear Regulatory Commission to extend the operating license of the Palisades Nuclear Power Plant; and be it further

Resolved, That copies of this resolution be transmitted to the United States Nuclear Regulatory Commission.

The concurrent resolution was referred to the Committee on Energy and Technology.

Reps. Proos, Schuitmaker, Accavitti, Byrnes, Caul, Elsenheimer, Espinoza, Garfield, Gonzales, Gosselin, Hansen, Hildenbrand, Huizenga, Jones, Kooiman, Lemmons, Jr., Lipsey, Meyer, Mortimer, Newell, Plakas, Polidori, Robertson, Shaffer, Taub, Vander Veen, Wojno, Brandenburg, Casperson, Clemente, Kehrl, Lemmons, III, Moore, Nitz, Pavlov and Spade offered the following concurrent resolution:

House Concurrent Resolution No. 9.

A concurrent resolution to urge the United States Nuclear Regulatory Commission to extend the operating license of the D.C. Cook Nuclear Power Plant.

Whereas, The D.C. Cook Nuclear Power Plant is in the process of renewing its operating license. The Cook Nuclear Plant has been generating electricity safely, reliably, and efficiently at its facilities in Bridgman, Michigan, since 1975 under two operating licenses issued by the Nuclear Regulatory Commission. These licenses will expire in 2014 and 2017; and

Whereas, The Cook Nuclear Plant is a key electric load-serving entity for American Electric Power (AEP), a major energy provider in the Midwest and the nation. The Cook Nuclear Plant generates 2,130 megawatts of electricity, which is enough electricity to meet the industrial, commercial, and residential needs of a city with 1.25 million people. The Cook Nuclear Plant generates electricity 24 hours a day, seven days a week; and

Whereas, The performance of nuclear units in the United States has steadily improved. Since 1997, AEP has invested over a billion dollars to ensure that the Cook Nuclear Plant continues to generate electricity safely, efficiently, and cost-effectively; and

Whereas, It is extremely important to the citizens of Southwest Michigan, the Midwest, and the nation that the D.C. Cook Nuclear Plant continue to operate and generate electricity. The United States Energy Information Administration (EIA) forecasts that electricity demand will increase almost 50 percent over the next 20 years. Nuclear power, which provides about 20 percent of the electricity our nation consumes, is the second-largest source of electricity and is an important component of the national fuel mix. With the EIA expecting no new nuclear power plants to be constructed in the next 20 years, the Cook Nuclear Plant provides electric generation that is clearly central to the future of our state and the nation; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the United States Nuclear Regulatory Commission to extend the operating license of the D.C. Cook Nuclear Power Plant; and be it further

Resolved, That copies of this resolution be transmitted to the United States Nuclear Regulatory Commission.

The concurrent resolution was referred to the Committee on Energy and Technology.

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, Wojno, McDowell and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, April 12, 2005

Present: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, Wojno, McDowell and Virgil Smith

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 12, 2005

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett, Accavitti and McConico

Messages from the Senate**Senate Concurrent Resolution No. 8.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Health Diagnostic Laboratory.

Whereas, On November 29, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 31 of 2001, approved the conveyance of property by the Department of Agriculture to the State Building Authority (the "Authority") and approved a lease between the State of Michigan, on behalf of the Department of Agriculture, (the "State"), and the Authority relative to the Animal Health Diagnostic Laboratory (the "Facility"); and

Whereas, Section 7(2) of 1984 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on November 29, 2001; and

Whereas, The site for the Facility was (and continues to be) owned by the Board of Trustees of Michigan State University (the "Educational Institution"); and

Whereas, Approval of the conveyance of the property by the Educational Institution to the Authority and approval of a lease among the State, the Authority, and the Educational Institution is hereby requested for the Facility; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, 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 Educational Institution may be conveyed to the Authority; 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 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 Michigan State University Animal Health Diagnostic Laboratory shall not exceed \$58,000,000 (the Authority share is \$57,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institutional 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 \$57,999,900, 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 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 \$4,895,000 and \$6,120,000, 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 (and related documents) 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, the Educational Institution, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 9.

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 Central Michigan University relative to the Central Michigan University Health Professions Building.

Whereas, On December 4, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 35 of 2001, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease among the State of Michigan (the "State"), the Authority, and Central Michigan University (the "Educational Institution") relative to the Central Michigan University Health Professions Building (the "Facility"); and

Whereas, Section 7(2) of 1984 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on December 4, 2001; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, 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 may be conveyed to the State Building Authority; and

Whereas, The site for 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 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 Central Michigan University Health Professions Building shall not exceed \$50,000,000 (the Authority share is \$37,499,800, the State General Fund/General Purpose share is \$200, and the Educational Institutional share is \$12,500,000), 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 \$37,499,800, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

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

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and 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 \$3,165,000 and \$3,960,000, 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, the Educational Institution, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 10.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall.

Whereas, On December 5, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 41 of 2001, approved the conveyance of property to the State Building Authority (the "Authority") and approved a lease among the State of Michigan (the "State"), the Authority, and the Regents of the University of Michigan (the "Educational Institution") relative to the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall (the "Facility"); and

Whereas, Section 7(2) of 1964 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on December 5, 2001; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, 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 may be conveyed to the State Building Authority; and

Whereas, The site for the Facility located in Washtenaw County 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 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 University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall shall not exceed \$35,000,000 (the Authority share is \$26,250,000, the State General Fund/General Purpose share is \$0, and the Educational Institutional share is \$8,750,000), 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 \$26,250,000, 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 \$2,215,000 and \$2,770,000, 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, the Educational Institution, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 11.

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

Whereas, On September 24, 2002, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 69 of 2002, approved the conveyance of property to the State Building Authority (the “Authority”) and approved a lease between the State of Michigan (the “State”) and the Authority relative to the Department of Management and Budget Roosevelt Parking Facility (the “Facility”); and

Whereas, Section 7(2) of 1964 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on September 24, 2002; 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 may be conveyed to the State Building Authority; and

Whereas, The site for the Facility located in Ingham County is currently owned by the State; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Department of Management and Budget Roosevelt Parking Facility shall not exceed \$6,600,000 (the Authority share is \$6,599,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$6,599,900, plus interest

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

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

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

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

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

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

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

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 13.

A concurrent resolution to increase the total project cost of the General Campus Renovations project at St. Clair Community College.

Whereas, The St. Clair Community College—General Campus Renovations project was authorized in 2002 PA 530 with a total project cost of \$9,000,000. This figure takes into account the veto of Section 411 of 2002 PA 530; and

Whereas, St. Clair Community College has estimated that the total cost to complete the General Campus Renovations project has increased to \$13,000,000; and

Whereas, St. Clair Community College has agreed to fund the increase in the project cost of \$4,000,000, with the state commitment remaining at \$4,500,000; and

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

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the St. Clair Community College—General Campus Renovations project to an amount not to exceed \$13,000,000 (State Building Authority share \$4,499,800; the State General Fund/General Purpose share \$200; and St. Clair Community College share \$8,500,000) 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 copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and St. Clair Community College.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Senate Concurrent Resolution No. 15.

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.

Whereas, Article 4, Section 53 of the *Constitution of the State of Michigan of 1963* requires the legislature by a majority vote of the members elected to and serving in each house to appoint an auditor general, who shall be a certified public accountant licensed to practice in this state to serve for a term of eight years; and

Whereas, Under the provisions of Article 4, Section 53, the Auditor General of the state of Michigan shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities, and institutions established by the state constitution or by law, and performance post audits; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature, pursuant to Article 4, Section 53 of the *Constitution of the State of Michigan of 1963*, hereby reappoint Thomas H. McTavish, C.P.A., as Auditor General of the state of Michigan, to serve for a term of eight years.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Government Operations.

The Speaker Pro Tempore assumed the Chair.

The Speaker laid before the House

House Bill No. 4233, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” by amending section 16 (MCL 431.316).

(The bill was received from the Senate on March 16, with substitute (S-3), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until March 17, see House Journal No. 22, p. 310.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 50

Yeas—108

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
Dillon	Kolb	Pearce	Wenke
Donigan	Kooiman	Phillips	Whitmer
Drolet	LaJoy	Plakas	Wojno
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

Second Reading of Bills

House Bill No. 4289, entitled

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” (MCL 567.221 to 567.265) by adding section 19a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 194, entitled

A bill to amend 2004 PA 402, entitled “Armed forces commemoration act,” by amending section 2 (MCL 435.342).

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

Roll Call No. 51

Yeas—108

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
Dillon	Kolb	Pearce	Wenke
Donigan	Kooiman	Phillips	Whitmer
Drolet	LaJoy	Plakas	Wojno
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Kooiman

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

“An act to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials,”

The House agreed to the full title.

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

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

House Bill No. 4143, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

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

Roll Call No. 52**Yeas—108**

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
Dillon	Kolb	Pearce	Wenke
Donigan	Kooiman	Phillips	Whitmer
Drolet	LaJoy	Plakas	Wojno
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 4144, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

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

Roll Call No. 53**Yeas—108**

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson

Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil
Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Steil
Byrum	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
Dillon	Kolb	Pearce	Wenke
Donigan	Kooiman	Phillips	Whitmer
Drolet	LaJoy	Plakas	Wojno
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.
Rep. Ward moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

—

Rep. Ward moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, March 24, for her approval of the following bills:

Enrolled House Bill No. 4054 at 3:21 p.m.
Enrolled House Bill No. 4197 at 3:23 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 24:

Senate Bill Nos. 336 337 338 339 340 341 342 343 344

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 25:

House Bill Nos.	4556	4557	4558	4559	4560	4561	4562	4563	4564	4565	4566	4567	4568	4569
	4570	4571	4572	4573	4574	4575	4576	4577	4578	4579	4580	4581	4582	4583
	4584	4585	4586											
Senate Bill Nos.	345	346	347	348	349	350	351	352	353	354	355	356	357	358
	359													

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, March 29, for her approval of the following bill:

Enrolled House Bill No. 4413 at 11:00 a.m.

Messages from the Governor

The following message from the Governor was received April 5, 2005 and read:

EXECUTIVE ORDER No. 2005 - 8

MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM ADVISORY BOARD

DEPARTMENT OF INFORMATION TECHNOLOGY

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the law be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the State of Michigan is a nationally and internationally recognized leader in public safety communications technology;

WHEREAS, Michigan can retain and enhance its position of preeminence in public safety communications technology through the promotion of an active partnership among local, state, tribal, and federal public safety agencies;

WHEREAS, because public safety agencies must be prepared to assist each other regardless of jurisdiction in the event of a disaster or emergency, interoperable communications among responders is a key element in homeland security and emergency preparedness;

WHEREAS, it is in the best interests of the State of Michigan to seek advice from a Board composed of representatives of public safety agencies to review and make recommendations regarding public safety communications technology;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Board" means the Michigan Public Safety Communications System Advisory Board created by this Order.

B. "Department" means the Department of Information Technology the principal department of state government created by Executive Order 2001-3, MCL 18.41.

C. "Michigan Public Safety Communications System" or "MPSCS" means Michigan's 800-megahertz radio system and telecommunications network, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and safety of the MPSCS established under Section 1 of 1929 PA 152, MCL 28.281.

II. ESTABLISHMENT OF THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM ADVISORY BOARD

A. The Michigan Public Safety Communications System Advisory Board is established within the Department of Information Technology.

B. The Board shall consist of the following 19 members:

1. Nine members representing local emergency first responders appointed by the Governor for 4-year terms, except the terms for the initial members shall be as follows:

- Three members for terms expiring on April 30, 2006.
- Three members for terms expiring on April 30, 2007.
- Three members for terms expiring on April 30, 2008.

2. The following ex officio, voting members:

- a. The Director of the Department of State Police, or his or her designee who shall be an officer or employee of the Department of State Police.
 - b. The Director of the Department of Information Technology, or his or her designee who shall be an officer or employee of the Department of Information Technology.
 - c. The Director of the Department of Natural Resources, or his or her designee who shall be an officer or employee of the Department of Natural Resources.
 - d. The Director of the Department of Transportation, or his or her designee who shall be an officer or employee of the Department of Transportation.
 - e. The Adjutant General, or his or her designee who shall be an officer or employee of the Department of Military and Veterans Affairs.
 - f. The Assistant Adjutant General for Homeland Security in the Department of Military and Veterans Affairs.
 - g. The Director of the Department of Community Health, or his or her designee who shall be an officer or employee of the Department of Community Health.
 - h. The officer or employee within the Department of State Police who has the principal responsibilities for Michigan's emergency management operations as designated by the Director of the State Police.
 - i. The State Fire Marshal.
 - j. The officer or employee within the Department of Information Technology who has been designated by the Director of the Department of Information Technology as having principal administrative responsibilities for the MPSCS.
- C. The Governor shall designate a member of the Board to serve as its Chairperson for a 2-year term.
 - D. The Governor shall designate a member of the Board to serve as its Vice-Chairperson for a 2-year term.
 - E. A vacancy on the Board occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

III. OPERATIONS OF THE BOARD

- A. The Board shall be staffed by personnel from and assisted by the Department. Any budgeting, procurement, and related management functions of the Board shall be performed under the direction and supervision of the Director of the Department.
- B. The Board shall select a Secretary from among its members. The Department shall assist the Secretary with recordkeeping responsibilities.
- C. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations and may establish committees and request public participation as it deems necessary.
- D. The Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.
- E. The Board shall act by majority vote of its serving members. A majority of serving and voting members shall constitute a quorum for the transaction of the business of the Board at a meeting.
- F. The Board shall consult with the Department of Management Budget and the State Building Authority on issues related to use of the MPSCS and any other matters that may affect the tax exempt status of the bonds issued to finance the MPSCS.
- G. The Board may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Board may, as appropriate, designate as liaisons to the Board individuals from groups representing MPSCS users who do not have Board representation. The Board may also consult with outside experts in order to perform its duties, including but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- H. Members of the Board shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available appropriations.
- I. The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order and relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.
- J. The Board may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be expended in accordance with applicable laws, rules, and procedures.
- K. Members of the Board shall refer all legal, legislative, and media contacts to the Department.

IV. CHARGE TO THE BOARD

- A. The Board is advisory in nature and shall advise the Governor and the Department of Information Technology on the following:
 1. Best practices for implementing interoperability of wireless public safety communications, including data, in Michigan on a local, regional, and statewide basis.
 2. Future trends in public and private sectors relating to public safety wireless communication, interoperability standards, and technology in support of providing public safety wireless services in the most effective and efficient manner.

3. Opportunities for effectively using the MPSCS as part of local, regional and statewide mutual-aid agreements, 9-1-1 dispatch operations, and incident command systems.

4. Best practices for using interoperability training on a local, regional and statewide basis.

5. Development and implementation of Michigan's interoperable communications plan.

B. The Board shall provide other information, recommendations, or advice as directed by the Governor or the Director of the Department.

V. MISCELLANEOUS

A. The Board created under this Order replaces the Michigan Public Safety Communications System State Advisory Board organized by the Department of State Police. The Michigan Public Safety Communications System State Advisory Board, which held its first meeting on April 25, 2000, is abolished.

B. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Board, or to any member or representative of the Board, any necessary assistance required by the Board, or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Board, or to any member or representative of the Board, free access to any books, records, or documents, relating to matters within the scope of inquiry, study, or investigation of the Board

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 5th day of April, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Date: April 1, 2005

Time: 8:49 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4210 (Public Act No. 3, I.E.), being

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

(Filed with the Secretary of State April 1, 2005, at 9:07 a.m.)

Date: April 1, 2005

Time: 8:51 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4413 (Public Act No. 4, I.E.), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the

provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16 (MCL 770.16), as added by 2000 PA 402.

(Filed with the Secretary of State April 1, 2005, at 9:09 a.m.)

Date: April 7, 2005

Time: 10:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4197 (Public Act No. 5, I.E.), being

An act 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, local 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," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

(Filed with the Secretary of State April 7, 2005, at 10:26 a.m.)

Date: April 7, 2005

Time: 10:13 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4054 (Public Act No. 6, I.E.), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said

courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

(Filed with the Secretary of State April 7, 2005, at 10:28 a.m.)

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

March 25, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:50 P.M. this date, administrative rule (05-03-01) for the Department of Labor and Economic Growth, Office of Financial and Insurance Services entitled "*Clarification of Reasonable Classification System under Insurance Code*", effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

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

March 30, 2005

I am pleased to provide the Michigan Department of Transportation's report on transportation accessibility for seniors and persons with disabilities for Fiscal Year 2004.

The report is being forwarded to the Legislature for their information pursuant to Section 10e(21) of Act 51 of the Public Acts of 1951, as amended.

Sincerely,
Gloria J. Jeff
Director

The communication was referred to the Clerk.

The following communication from the Department of Labor and Economic Growth was received and read:

March 31, 2005

In accordance with Section 8 of the *Michigan Employment Security Act*, being Section 421.8 of the *Michigan Compiled Laws*, the Unemployment Insurance Agency is required to report annually to the Governor and the Legislature any amount, in excess of \$1.00, that the maximum weekly unemployment benefit rate would increase if the annual increase in the United States Department of Labor's Consumer Price Index (CPI) were applied to the maximum weekly benefit rate.

I am therefore transmitting to the Governor, and to the House and Senate for publication along with this letter in the *Journals* of their respective bodies, the enclosed report showing that since the last increase in the maximum weekly benefit rate to \$362.00, the increase in the CPI would result in an increase in the maximum weekly unemployment benefit rate to \$389.51. Using the method of applying a percentage of the state average weekly wage, the maximum weekly benefit rate would increase to \$443.77.

Respectfully submitted,
Sharon M. Bommarito
Director
Unemployment Insurance Agency

The message was referred to the Clerk.

The following communication from the Department of Human Services was received and read:

March 31, 2005

Section 214(2) of 2004 Public Act No. 344 requires the Department of Human Services (DHS) to report the number of Full-time Equated (FTE) positions in pay status by type of staff on a bimonthly basis. Attached is the report for March, 2005.

The information is grouped by worker category. Because we understand the focus of your interest to be staffing in our local offices, we have included information for field staff only in this report. The date was extracted from HRMN CDCS payroll tables on MIDB.

If you have any questions about the attached material, please contact Sheryl Nowak at 335-3591.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

The following communication from the Department of State Police was received and read:

April 1, 2005

Enclosed is a copy of the FY04 Annual Report and Evaluation for the Secondary Road Patrol and Traffic Accident Prevention Program.

This report satisfies the reporting requirements contained in Public Act 416 of 1978, as amended. Copies of this report are transmitted to the Governor's Office, Clerk of the House, Secretary of the Senate, Chair of the House Appropriations Committee, Chair of the Senate Appropriations Committee, each county sheriff, the Michigan Sheriffs' Association, and the Deputy Sheriff's Association of Michigan.

Should you have any questions about this report, please contact Kim Kelly at (517) 333-5303.

Sincerely,
Michael L. Prince
Division Director
Office of Highway Safety Planning

The communication was referred to the Clerk.

The following communication from the Department of Environmental Quality was received and read:

April 1, 2005

Section 16908(6) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires the Department of Environmental Quality (DEQ) to report annually to the Legislature on the utilization of revenues of the Scrap Tire Regulatory Fund (Fund). The following is a breakdown of Fiscal Year (FY) 2004 appropriations and expenditures for the Regulatory Program and the Grant Program.

The enclosed table represents the status of the Fund. If you have any questions or require further information, please contact Mr. George Bruchmann, Chief, Waste and Hazardous Materials Division, at 517-373-9523, or you may contact me.

Sincerely,
Steven E. Chester
Director
517-373-7917

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

April 5, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Hawthorn Center, Bureau of Hospitals, Centers, and Forensic Mental Health Services,
Department of Community Health
April 2005

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

The communication was referred to the Clerk.

Introduction of Bills

Rep. Bieda introduced

House Bill No. 4587, entitled

A bill to amend 2004 PA 452, entitled "Identity theft protection act," by amending section 11 (MCL 445.71) and by adding section 12.

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

Rep. Van Regenmorter introduced

House Bill No. 4588, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 65, 76, 76a, 78, and 81 (MCL 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, and sections 18, 47, and 81 as amended by 1996 PA 562, and by adding section 19a.

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

Reps. Green, Kahn, McDowell, Robertson, Newell, Brown, Gleason, Leland, Stakoe, Mayes, Mortimer, Bieda, Hune, Wenke, Booher, Hansen, Hopgood and Hood introduced

House Bill No. 4589, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

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

Rep. Bieda introduced

House Bill No. 4590, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 1995 PA 25.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Palmer and Virgil Smith introduced

House Bill No. 4591, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 2 (MCL 28.602), as amended by 2004 PA 379.

The bill was read a first time by its title and referred to the Committee on Higher Education and Career Preparation.

Announcements by the Clerk

March 23, 2005

Received from the Wayne County Airport Authority a copy of the 2004 Audited Financial Statements per the requirements of Public Act 90 of 2002.

Sincerely,
Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Hummel, Chair, reported

Senate Bill No. 235, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2005; to implement the appropriations within the budgetary process;

to prescribe standards and conditions relating to the appropriations; and to provide for the expenditure of appropriations.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Plakas, Phillips and Gonzales

Nays: Reps. Taub and Alma Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 12, 2005

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Plakas, Alma Smith, Phillips and Gonzales

Absent: Rep. Williams

Excused: Rep. Williams

Rep. Robertson moved that the House adjourn.

The motion prevailed, the time being 3:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, April 13, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

