

No. 87
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, October 12, 2005.

1:00 p.m.

The House was called to order by the Speaker Pro Tempore.

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—excused	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—excused	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—e/d/s	Kehrl—excused	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—excused	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
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. Dave Robertson, from the 51st District, offered the following invocation:

“Lord God, Father of all mankind, You have appointed us, through the votes of the people of Michigan, to serve You and our state as leaders and as law makers for our people. Although this position is filled with power and responsibility, we ask You to keep us humble as we go about our duties. Do not let our pride or egos stand in the way of us doing our jobs faithfully and for the best interests of the citizens of this great state. Guide our hearts, our minds, and our hands as we go about our duties today so that we deal with the problems that our state faces with wisdom and mutual respect. Give us the ability to see the larger picture in all of our deliberations and actions, and guide us to long-term solutions to those things that bring crisis into the lives of so many of our citizens. May the work that we do here today and everyday help our people and serve to glorify You.

Heavenly Father, we also ask Your comfort for all of the families of our state and our nation who have loved ones in the fight against terrorism. Protect from harm those who are fighting to protect us, and also all those men and women of our nation’s armed forces who are stationed around the world to help keep the peace in a dangerous and deadly world. Give them wisdom and strength as they go about their dangerous duties.

We ask these and all Your blessings in the name of Jesus Christ, Your Son and our Savior. Amen.”

Rep. Sak moved that Reps. Kehrl, McConico and Phillips be excused from today’s session.
The motion prevailed.

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

Second Reading of Bills

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2004 PA 195.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Family and Children Services,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Lemmons, III moved that Rep. Lemmons, Jr. be excused temporarily from today’s session.
The motion prevailed.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

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

Roll Call No. 506**Yeas—89**

Acciavatti	Farhat	Law, Kathleen	Robertson
Adamini	Farrah	Lemmons, III	Rocca
Amos	Gaffney	Marleau	Sak
Angerer	Gillard	Mayer	Schuitmaker
Ball	Gleason	McDowell	Shaffer
Baxter	Gonzales	Meisner	Sheen
Booher	Gosselin	Meyer	Sheltrown
Brandenburg	Green	Moolenaar	Spade
Brown	Hansen	Moore	Stahl
Byrnes	Hildenbrand	Mortimer	Stakoe
Byrum	Hoogendyk	Murphy	Steil
Casperson	Hopgood	Newell	Stewart
Caswell	Huizenga	Nitz	Taub
Caul	Hummel	Nofs	Van Regenmorter
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
DeRoche	Kahn	Pavlov	Waters
Dillon	Kolb	Pearce	Wenke
Drolet	Kooiman	Plakas	Whitmer
Elsenheimer	LaJoy	Polidori	Williams
Emmons	Law, David	Proos	Zelenko
Espinoza			

Nays—14

Accavitti	Clemente	Miller	Tobocman
Anderson	Donigan	Smith, Alma	Vagnozzi
Bennett	Hood	Smith, Virgil	Wojno
Bieda	Lipsev		

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.

Reps. Stewart, Drolet, Zelenko, Vander Veen, Williams, Vagnozzi, DeRoche, Taub, Gleason, Shaffer, Hoogendyk, Wenke, Steil, Stahl, Sheen, Angerer, Byrnes, Cheeks, Gonzales, Jones, Kahn, Lemmons, III, Lemmons, Jr., Marleau, Pearce, Polidori and Rocca were named co-sponsors of the bill.

Rep. Leland, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 506. Had I been present, I would have voted ‘yea’.”

Rep. Lemmons, Jr., under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 506. Had I been present, I would have voted ‘yea’.”

Rep. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

First of all, while I believe that this bill has good intentions, HB 4257 will result in losses to the state’s General Fund of \$3 million in 2007 and increasing to \$15 million in 2011 and each year thereafter. The program created by this bill would not permanently protect farmland, and it seems to me that it would be more advantageous to use state funds for the purchase of development rights (PDRs) program, which have been used successively in other states and would offer permanent protection from development.

Specifically, one of the flaws in HB 4257 is that it would allow farmland owners participating in the program to relinquish their agreements to preserve their farms after 10 and 15 years. The required payback after 10 years that allows a farmland owner to escape from the agreement is not a strong enough disincentive to prevent a significant amount of early withdrawals from the program. Thus, the amount of farmland that will get long term protection under HB 4257 is questionable. Thus, I voted ‘no’ on HB 4257.”

Senate Bill No. 438, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

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

Roll Call No. 507

Yeas—105

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

Nays—0

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

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

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.

Senate Bill No. 719, entitled

A bill to amend 1972 PA 299, entitled “An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities,” by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

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

Roll Call No. 508

Yeas—105

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

Nays—0

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. Cushingberry entered the House Chambers.

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

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

Roll Call No. 509

Yeas—106

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

Nays—0

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. Sak moved that Rep. Virgil Smith be excused temporarily from today’s session.
The motion prevailed.

House Bill No. 5023, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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

Roll Call No. 510

Yeas—105

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

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. 5054, entitled

A bill to amend 1964 PA 170, entitled “An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

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

Roll Call No. 511**Yeas—106**

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

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.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Elsenheimer to the Chair.

House Bill No. 5135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12, 13, and 20a of chapter VIII, sections 10, 11, and 12 of chapter IX, and section 3 of chapter XI (MCL 768.12, 768.13, 768.20a, 769.10, 769.11, 769.12, and 771.3), section 20a of chapter VIII as amended by 1983 PA 42, sections 10, 11, and 12 of chapter IX as amended by 1998 PA 317, and section 3 of chapter XI as amended by 2004 PA 330; and to repeal acts and parts of acts.

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

Roll Call No. 512**Yeas—106**

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

Nays—0

In The Chair: Elsenheimer

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. 5145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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

Roll Call No. 513**Yeas—106**

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak

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

Nays—0

In The Chair: Elsenheimer

The question being on agreeing to the title of the bill,

Rep. Ward moved to amend the title to read as follows:

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 11 to chapter IX.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5055, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 514**Yeas—106**

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

Nays—0

In The Chair: Elsenheimer

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that the Committee on Employment Relations, Training, and Safety be discharged from further consideration of **House Bill No. 5238**.

(For first notice see House Journal No. 86, p. 1887.)

The question being on the motion made by Rep. Ward,

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

Rep. Ward moved that Rule 45(c) be suspended.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 5238, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 385 and 865 (MCL 418.385 and 418.865), section 385 as amended by 1985 PA 103.

Rep. Ward moved that the bill be referred to the Committee on Health Policy.

The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that the Committee on Employment Relations, Training, and Safety be discharged from further consideration of **House Bill No. 5239**.

(For first notice see House Journal No. 86, p. 1887.)

The question being on the motion made by Rep. Ward,

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

Rep. Ward moved that Rule 45(c) be suspended.

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 5239, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 28a (MCL 421.28a), as amended by 1994 PA 162.

Rep. Ward moved that the bill be referred to the Committee on Health Policy.

The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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

Rep. Ward moved that when the House adjourns today it stand adjourned until Tuesday, October 18, at 1:00 p.m.
 The motion prevailed.

Reports of Standing Committees

The Committee on Commerce, by Rep. Huizenga, Chair, reported

Senate Bill No. 798, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Wednesday, October 12, 2005

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

Absent: Reps. Murphy and McConico

Excused: Reps. Murphy and McConico

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 11, 2005

Present: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 12, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Huizenga, LaJoy, Palsrok, Stahl, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Reps. Garfield and Baxter

Excused: Reps. Garfield and Baxter

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 12, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Lemmons, III, Virgil Smith and Clack

Absent: Rep. Kehrl

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, October 12:

House Bill Nos. 5278 5279 5280 5281 5282 5283 5284

Senate Bill Nos. 805 806

The Clerk announced that the following Senate bills had been received on Wednesday, October 12:

Senate Bill Nos. 751 754 785

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4638, entitled**

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

The Senate has amended the bill as follows:

1. Amend page 14, line 25, after "offense" by striking out the balance of the subsection and inserting a period.

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 751, entitled

A bill to amend 1929 PA 137, entitled "An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers," by amending section 19 (MCL 455.219).

The Senate has passed the bill.

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

Senate Bill No. 754, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 102, 103, 202, 203, 203a, 204, 205, 210, 211, 213, 214, 303, 304, 304a, 305, 306, 309, 309a, 310, 315, 316a, 317, 321, 355, 359, 360, 505, and 604 (MCL 484.2102, 484.2103, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2210, 484.2211, 484.2213, 484.2214, 484.2303, 484.2304, 484.2304a, 484.2305, 484.2306, 484.2309, 484.2309a, 484.2310, 484.2315, 484.2316a, 484.2317, 484.2321, 484.2355, 484.2359, 484.2360, 484.2505, and 484.2604), section 102 as amended by 1998 PA 41, sections 103, 203, 203a, 303, 304, 310, 502, and 604 as amended and sections 214 and 316a as added by 2000 PA 295, sections 202, 205, 210, 305, 306, and 309a as amended and sections 304a, 317, 321, 355, 359, and 360 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, and section 505 as added by 1998 PA 260, and by adding sections 204a, 215, 215a, 304c, 304d, 305a, 305b, 305c, 305d, 353a, 402a, and 502a; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 785, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending sections 1, 3, and 5 (MCL 752.1061, 752.1063, and 752.1065).

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 27.

A concurrent resolution to express opposition to the study and construction of an international border crossing in the Downriver area.

Whereas, The Detroit-Windsor and Port Huron-Sarnia border crossings of Southeast Michigan/Southwest Ontario are the busiest international crossings in North America, representing nearly 50 percent of the traffic volume crossing the United States/Canadian border. In 2000, American trade with Ontario reached \$243 billion, which is larger than the total U.S. trade with Japan; and

Whereas, More than 75,000 vehicles use the Southeast Michigan/Southwest Ontario border crossings each day. Traffic at the Michigan and Canadian ports of entry has grown 44 percent from 19.7 million vehicles in 1990 to 28.4 million vehicles in 2000. Truck traffic at these ports has more than doubled from 2.5 million vehicles in 1990 to 5.1 million in 2000. Over the next thirty years, the cross-border traffic along the Detroit-Windsor corridor is projected to increase 40 percent in car traffic and 120 percent in truck traffic. This corresponds to an increase in daily cross-border car trips from 52,000 to 70,000 and an increase in daily cross-border truck trips from 13,000 to 28,000; and

Whereas, The Canada-US-Ontario-Michigan Border Transportation Partnership is conducting a Planning/Need and Feasibility Study to examine existing and future cross-border transportation problems and opportunities within the Southeast Michigan and Southwest Ontario region. In June 2005, the partnership proposed several international crossing alternatives that address these identified transportation problems and opportunities. Each alternative would involve massive reconfiguration to either the I-275 or I-75 interchange area and significant expansion of either King Road, Pennsylvania Road, or Eureka Road to connect the proposed interchange areas to the river crossing plazas; and

Whereas, The Detroit River International Crossing Study proposes 12 river crossing plazas along the riverfront from Belle Isle to Grosse Ile. Four of the proposed plazas are located in the Downriver area. The first plaza consists of 173 acres located on the northeast corner of Fort Street and King Road in Trenton near the McLouth Steel property. The second proposed plaza is located in Trenton on the east side of Jefferson Avenue, north of King Road, on 217 acres owned by McLouth Steel. The third proposed plaza consists of 85 acres located at the Atofina Chemical Company, located south of Pennsylvania Road, west of Longsdorf Street in Riverview. The fourth proposed Downriver plaza is located at the Atofina Chemical Company on 85 acres located off Pennsylvania Road, east of Biddle Avenue, and south of Wyandotte Shores Golf Club in Wyandotte; and

Whereas, The reconfiguration of an interchange, the expansion of major roadways, and the construction of a plaza will have adverse effects on the quality of life in Downriver's 19 cities and townships. In particular, these wholesale transportation-related transformations will lead to plummeting property values that will have a devastating financial impact on the whole of Wayne County, particularly public schools. These changes will bring about excessive traffic-related noise that may have to be mitigated by the erection of intrusive noise barriers, thereby eroding community aesthetics and fueling negative public perception; and

Whereas, These transportation-related changes will also result in increased passenger vehicle and truck traffic. Residents near the recommended bridge plaza will face unacceptable health risks from the degraded local air quality caused by heavy-duty truck exhaust emissions. Heavy-duty trucks burn diesel fuel and are major emitters of nitrogen oxides and particulate matter. Nitrogen oxides emitted by on-road vehicles are a major contributor to high ozone levels in Southeast Michigan. The Downriver area will incur significant costs just to control emissions from current vehicle traffic in order to attain the federal ozone standard. Fine particulate matter emitted by diesel and gasoline engines is implicated as the cause of premature death in persons with cardiac and/or respiratory ailments after short-term exposure as well as being linked to an increased risk of lung cancer following long-term exposure; and

Whereas, The partnership also proposes the construction of one of three alternative bridges connecting the river crossing plazas to Ontario via Grosse Ile. Any one of the alternative bridges would produce intolerable traffic noise that could not be mitigated by noise barriers, vegetation, buffer zones, or any other noise abatement method. The proposed King Road plaza bridge would span Grosse Ile along Horse Mill road, with an attendant plaza facility near Church and East River Roads. This proposed facility would either destroy or have a decidedly negative impact on hundreds of privately-owned residences, a Presbyterian Church and cemetery, a Roman Catholic Church and cemetery, sensitive wetlands, marshes, woods and transitional prairies, and a number of locations on the Michigan Register of Historic Sites. The proposed facility would also obliterate the historical landing site of Antoine de la Mothe Cadillac, who camped on Grosse Ile more than 300 years ago before proceeding upriver to settle modern-day Detroit. The two proposed Pennsylvania Road plaza bridges would extend over Hennepin Point, located on the northern end of Grosse Ile. Any one of the proposed bridges will pose significant problems for pilots flying out of Grosse Ile Municipal Airport; endanger the 27 species of waterfowl, 17 species of raptors (eagles, hawks, and falcons), 48 species of nonraptors (loons, warblers, neotropical songbirds, cranes, and shore birds); and bring peril to numerous species of dragonflies and butterflies that migrate to the Grosse Ile coastal wetlands; and

Whereas, The construction of an international bridge crossing in the Downriver area will have a detrimental impact on the Detroit River, the first river to be designated a bi-national Heritage River and an International Wildlife Refuge. As such, the river's marshes, coastal wetlands, islands, shoals, and other natural features are to be preserved and restored to protect wildlife habitat. The Detroit River is also a primary source of drinking water for Wayne County. This is important because an international bridge crossing may involve the dredging of the Black Lagoon, which is directly downstream from the McLouth Steel property. Sediments in this area have been well documented to contain high levels of mercury, PCBs, cadmium, chromium, copper, lead, zinc, oils, and grease, substances that are known to be hazardous to humans, wildlife, and aquatic species. Lead contamination levels in this vicinity also exceed human contact standards. Moreover, the construction of an international bridge will have injurious consequences on the small streams, ponds, and other sensitive ecosystems of the Downriver watershed caused by road salt runoff. Road deicing salts are contributing to the gradual salinization of the Detroit River and area groundwater supplies; now, therefore, be it

Resolved by the Senate, That we express opposition to the study and construction of an international border crossing in the Downriver area; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor, the Michigan Department of Transportation, the Federal Highway Administration, 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 Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Transportation.

Senate Concurrent Resolution No. 30.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (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 University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition shall not exceed \$12,600,000 (the Authority share is \$9,450,000, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$3,150,000), 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 \$9,450,000, 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 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 \$648,000 and \$847,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, 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. 31.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (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 University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition shall not exceed \$9,600,000 (the Authority share is \$7,200,000, the State General Fund/General Purpose share is \$0, and the Educational Institution share is \$2,400,000), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$7,200,000, 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 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 \$494,000 and \$646,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, 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. 32.

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 Renovations Phase II Literature, Science, and the Arts Building.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Regents of the University of Michigan (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 University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building (the "Facility") is currently owned by the Educational Institution; and

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

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

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

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

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building shall not exceed \$26,000,000 (the Authority share is \$14,769,231, the State General Fund/General Purpose share is \$0, and the

Educational Institution share is \$11,230,769), 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 \$14,769,231, 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 \$1,013,000 and \$1,324,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

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

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

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Board of Regents of the University of Michigan, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Messages from the Governor

Date: October 11, 2005

Time: 12:06 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4865 (Public Act No. 170, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 217f.

(Filed with the Secretary of State October 12, 2005, at 9:46 a.m.)

Date: October 11, 2005

Time: 12:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4866 (Public Act No. 171, 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 16l of chapter XVII (MCL 777.16l), as amended by 2003 PA 16.
(Filed with the Secretary of State October 12, 2005, at 9:48 a.m.)

Introduction of Bills

Rep. Jones introduced

House Bill No. 5285, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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

Rep. Jones introduced

House Bill No. 5286, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7m (MCL 211.7m), as added by 1980 PA 142.

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

Reps. Bieda and Gleason introduced

House Bill No. 5287, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 4 and 10 (MCL 125.1504 and 125.1510), section 4 as amended by 2004 PA 584 and section 10 as amended by 1999 PA 245.

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

Reps. Mortimer, Gaffney, Wojno, Byrnes, Hildenbrand and Hune introduced

House Bill No. 5288, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5289, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 401 (MCL 38.2401).

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

Reps. Gonzales, Polidori, Zelenko, Vagnozzi, Tobocman, Byrnes and Clack introduced

House Bill No. 5290, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 32 (MCL 432.32), as amended by 1996 PA 13.

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

Reps. Brown, Adamini and Lemmons, III introduced

House Bill No. 5291, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2010 and 43553 (MCL 324.2010 and 324.43553), section 2010 as added by 2004 PA 587 and section 43553 as amended by 1996 PA 585, and by adding part 407 and section 43553a; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Mortimer, Gaffney and Hune introduced

House Bill No. 5292, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7911, 7918, 7921, 7925, 7931, 7941, 7945, 8111, 8124, and 8134 (MCL 500.7911, 500.7918, 500.7921, 500.7925, 500.7931, 500.7941, 500.7945, 500.8111, 500.8124, and 500.8134), sections 7911 and 7921 as amended by 1993 PA 200, section 7918 as amended by 2001 PA 182, sections 7925, 7931, and 7945 as amended by 1980 PA 41, section 7941 as amended by 1990 PA 137, section 8111 as amended by 1992 PA 182, section 8124 as added by 1989 PA 302, and section 8134 as amended by 1998 PA 279, and by adding sections 8124a, 8125a, and 8133a.

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

Reps. Caul, Nitz, Elsenheimer, Vander Veen, Proos, Hansen, Brown, Caswell, Gonzales, Gosselin, Moore, Emmons, Booher, Moolenaar and Meyer introduced

House Bill No. 5293, entitled

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," (MCL 565.451 to 565.453) by adding section 1d.

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

Reps. Hune, Gosselin and Drolet introduced

House Bill No. 5294, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 7 (MCL 125.587), as amended by 2003 PA 320.

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

Reps. Hune, Gosselin and Drolet introduced

House Bill No. 5295, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 24 (MCL 125.224), as amended by 1994 PA 23.

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

Reps. Hune, Gosselin and Drolet introduced

House Bill No. 5296, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 24 (MCL 125.294), as amended by 1994 PA 24.

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

Reps. Vagnozzi, Polidori, Donigan, Tobocman, Alma Smith, Hopgood, Kathleen Law, Accavitti, Zelenko, Stakoe, Byrum, Waters, Bennett and Gonzales introduced

House Bill No. 5297, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d.

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

Rep. Emmons moved that the House adjourn.

The motion prevailed, the time being 2:55 p.m.

Associate Speaker Pro Tempore Elsenheimer declared the House adjourned until Tuesday, October 18, at 1:00 p.m.