

No. 35
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House Chamber, Lansing, Wednesday, April 28, 2004.

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	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—present	Hager—present	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—e/d/s	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—present
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—excused
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—e/d/s	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—excused

e/d/s = entered during session

Rep. Larry Julian, from the 85th District delivered the following invocation on behalf of Rep. Stephen Ehardt, from the 83rd District:

“O God our Heavenly Father, whose love sets no boundaries and whose strength is in service, grant to the leaders of this state wisdom, courage and insight. Give to all who exercise authority, determination to defend the principles of freedom, love and compassion; strength to protect and safeguard the innocent; and clarity of vision to guide the state into the paths of justice and caring. This we ask through our Lord Jesus Christ. Amen.”

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

Second Reading of Bills

Senate Bill No. 778, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2000 PA 455.

The bill was read a second time.

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

The motion prevailed.

Rep. Huizenga moved that the bill be placed on its immediate passage.

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

Rep. Nitz moved that Rep. Vander Veen be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 778, entitled

A bill to amend 1978 PA 566, entitled “An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,” by amending section 3 (MCL 15.183), as amended by 2000 PA 455.

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

Roll Call No. 278

Yeas—104

Accavitti	Farrah	Law	Shackleton
Acciavatti	Gaffney	Lipsey	Shaffer
Adamini	Garfield	McConico	Sheen
Amos	Gieleghem	Meisner	Sheltrown
Anderson	Gillard	Meyer	Shulman
Bieda	Gleason	Middaugh	Smith
Bisbee	Hager	Milosch	Spade

Bradstreet	Hardman	Minore	Stahl
Brandenburg	Hart	Moolenaar	Stakoe
Brown	Hood	Murphy	Stallworth
Byrum	Hoogendyk	Newell	Steil
Casperson	Hopgood	Nitz	Stewart
Caswell	Howell	Nofs	Taub
Caul	Huizenga	O'Neil	Tobocman
Cheeks	Hummel	Palmer	Vagnozzi
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Voorhees
Daniels	Jamnack	Pastor	Walker
Dennis	Johnson, Rick	Plakas	Ward
DeRoche	Johnson, Ruth	Pumford	Waters
DeRossett	Julian	Reeves	Wenke
Drolet	Koetje	Richardville	Whitmer
Ehardt	Kolb	Rivet	Williams
Elkins	Kooiman	Robertson	Wojno
Emmons	LaJoy	Rocca	Woodward
Farhat	LaSata	Sak	Woronchak

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5232, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920 and 20921 (MCL 333.20920 and 333.20921), as amended by 2000 PA 375.

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

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

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

The motion prevailed.

Rep. Huizenga moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5232, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920 and 20921 (MCL 333.20920 and 333.20921), as amended by 2000 PA 375.

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

Roll Call No. 279**Yeas—104**

Accavitti	Farrah	Law	Shackleton
Acciavatti	Gaffney	Lipsey	Shaffer
Adamini	Garfield	McConico	Sheen

Amos	Gielegem	Meisner	Sheltrown
Anderson	Gillard	Meyer	Shulman
Bieda	Gleason	Middaugh	Smith
Bisbee	Hager	Milosch	Spade
Bradstreet	Hardman	Minore	Stahl
Brandenburg	Hart	Moolenaar	Stakoe
Brown	Hood	Murphy	Stallworth
Byrum	Hoogendyk	Newell	Steil
Casperson	Hopgood	Nitz	Stewart
Caswell	Howell	Nofs	Taub
Caul	Huizenga	O'Neil	Tobocman
Cheeks	Hummel	Palmer	Vagnozzi
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Voorhees
Daniels	Jamnick	Pastor	Walker
Dennis	Johnson, Rick	Plakas	Ward
DeRoche	Johnson, Ruth	Pumford	Waters
DeRossett	Julian	Reeves	Wenke
Drolet	Koetje	Richardville	Whitmer
Ehardt	Kolb	Rivet	Williams
Elkins	Kooiman	Robertson	Wojno
Emmons	LaJoy	Rocca	Woodward
Farhat	LaSata	Sak	Woronchak

Nays—0

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20920, 20921, and 20923 (MCL 333.20920, 333.20921, and 333.20923), as amended by 2000 PA 375.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5673, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

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

Rep. Nitz moved to amend the bill as follows:

1. Amend page 2, line 18, after "poultry" by striking out the balance of the sentence and inserting a period.

2. Amend page 2, following line 19, by inserting:

"(v) Operating a pay-to-hunt animal farm or game preserve." and renumbering the remaining subparagraphs.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Nitz moved to amend the bill as follows:

1. Amend page 2, line 23, after "operation" by striking out "is not" and inserting "**may be considered**".

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

Rep. Hune moved to amend the bill as follows:

1. Amend page 2, line 17, after “livestock,” by striking out “**including equine and cervidae,**”.

2. Amend page 2, line 19, after “**preserves.**” by inserting “**As used in this subparagraph, “livestock” includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include dogs and cats.**”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Huizenga moved that the bill be placed on its immediate passage.

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5673, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

Roll Call No. 280

Yeas—60

Acciavatti	Garfield	Meyer	Shackleton
Amos	Hager	Middaugh	Shaffer
Bisbee	Hart	Milosch	Sheen
Bradstreet	Hoogendyk	Moolenaar	Shulman
Brandenburg	Howell	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Johnson, Rick	Palsrok	Taub
DeRossett	Johnson, Ruth	Pappageorge	Van Regenmorter
Drolet	Julian	Pastor	Voorhees
Ehardt	Koetje	Pumford	Walker
Emmons	Kooiman	Richardville	Ward
Farhat	LaJoy	Robertson	Wenke
Gaffney	LaSata	Rocca	Woronchak

Nays—44

Accavitti	Elkins	Law	Sheltrown
Adamini	Farrah	Lipsey	Smith
Anderson	Gielegem	McConico	Spade
Bieda	Gillard	Meisner	Stallworth
Brown	Gleason	Minore	Tobocman
Byrum	Hardman	Murphy	Vagnozzi
Cheeks	Hood	O’Neil	Waters
Clack	Hopgood	Plakas	Whitmer
Condino	Hunter	Reeves	Williams
Daniels	Jamnack	Rivet	Wojno
Dennis	Kolb	Sak	Woodward

In The Chair: Julian

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

Second Reading of Bills

Senate Bill No. 1093, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 37f.
The bill was read a second time.

Rep. Law moved to amend the bill as follows:

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

"(e) The wage paid to the employee in the created job exceeds the industry standard for a comparable job as determined and reported by the United States department of labor, bureau of labor statistics."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Rep. Huizenga moved that the bill be placed on its immediate passage.

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

Rep. Mortimer entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 1093, entitled

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

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

Roll Call No. 281

Yeas—104

Accavitti	Farrah	Lipsey	Shackleton
Acciavatti	Gaffney	McConico	Shaffer
Adamini	Garfield	Meisner	Sheen
Amos	Gielegem	Meyer	Sheltrown
Anderson	Gillard	Middaugh	Shulman
Bieda	Gleason	Milosch	Smith
Bisbee	Hager	Minore	Spade
Bradstreet	Hardman	Moolenaar	Stahl
Brandenburg	Hart	Mortimer	Stakoe
Brown	Hood	Murphy	Stallworth
Byrum	Hoogendyk	Newell	Steil
Casperson	Hopgood	Nitz	Stewart
Caswell	Howell	Nofs	Taub
Caul	Huizenga	O'Neil	Tobocman
Cheeks	Hummel	Palmer	Vagnozzi
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Voorhees
Daniels	Johnson, Rick	Pastor	Walker

Dennis	Johnson, Ruth	Plakas	Ward
DeRoche	Julian	Pumford	Waters
DeRossett	Koetje	Reeves	Wenke
Drolet	Kolb	Richardville	Whitmer
Ehardt	Kooiman	Rivet	Williams
Elkins	LaJoy	Robertson	Wojno
Emmons	LaSata	Rocca	Woodward
Farhat	Law	Sak	Woronchak

Nays—1

Jamnack

In The Chair: Julian

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

“An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5589, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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

The substitute (H-1) 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. Huizenga moved that the bill be placed on its immediate passage.

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

Rep. Meyer moved that Rep. Stewart be excused temporarily from today’s session.

The motion prevailed.

Rep. Phillips entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5589, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending section 8 (MCL 722.628), as amended by 2002 PA 690.

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

Roll Call No. 282**Yeas—105**

Accavitti	Gaffney	Lipsey	Sak
Acciavatti	Garfield	McConico	Shackleton
Adamini	Gielegem	Meisner	Shaffer
Amos	Gillard	Meyer	Sheen
Anderson	Gleason	Middaugh	Sheltrown
Bieda	Hager	Milosch	Shulman
Bisbee	Hardman	Minore	Smith
Bradstreet	Hart	Moolenaar	Spade
Brandenburg	Hood	Mortimer	Stahl
Brown	Hoogendyk	Murphy	Stakoe
Byrum	Hopgood	Newell	Stallworth
Casperson	Howell	Nitz	Steil
Caswell	Huizenga	Nofs	Taub
Caul	Hummel	O'Neil	Tobocman
Cheeks	Hune	Palmer	Vagnozzi
Clack	Hunter	Palsrok	Van Regenmorter
Condino	Jamnack	Pappageorge	Voorhees
Daniels	Johnson, Rick	Pastor	Walker
Dennis	Johnson, Ruth	Phillips	Ward
DeRoche	Julian	Plakas	Waters
DeRossett	Koetje	Pumford	Wenke
Drolet	Kolb	Reeves	Whitmer
Ehardt	Kooiman	Richardville	Williams
Elkins	LaJoy	Rivet	Wojno
Emmons	LaSata	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah			

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Speaker Rick Johnson and Reps. Richardville, Julian, Gaffney, Woronchak, Stewart, Taub, Pastor, Farrah, Stallworth, Reeves, Jamnick, Byrum, McConico, Accavitti, Condino, Hunter, Dennis, O'Neil, Minore, Smith, Kolb, Anderson, Williams, Lipsey, Whitmer, Brown, Adamini, Hopgood, Cheeks, Emmons, Hardman, Shulman, Waters, Bieda, Gillard, Murphy, Plakas, Sak, Sheltrown, Spade, Vagnozzi, Caswell, Daniels, DeRossett, Ehardt, Elkins, Gielegem, Gleason, Hager, Meyer, Nitz, Rivet, Stakoe, Tobocman, Clack, Caul and Koetje offered the following resolution:

House Resolution No. 241.

A resolution recognizing Edward H. McNamara upon his completion of more than 40 years as a public official in the state of Michigan.

Whereas, Mr. McNamara's commitment to improving the efficiency and effectiveness of public services has been his guiding principle through every elective office he has held during his 40 years as a public official, starting as a school board member in Dearborn Heights, a city councilman, as the mayor of Livonia, and later as the Wayne County Executive. His leadership and dedication rebuilt the infrastructure and improved services to the citizens he served; and

Whereas, During his 16-year tenure as Wayne County Executive, Edward H. McNamara took an active role in rebuilding a near-bankrupt county government into one that moves forward into the 21st century with stability and a solid governmental infrastructure; and

Whereas, Mr. McNamara expanded and modernized the Detroit-Wayne County Metropolitan Airport and thereby created a catalyst that will continue to stimulate the region and state's economy for years to come, with one of the highest capacity airfields in the nation and passenger terminals that make it a world-class facility; and

Whereas, He established healthcare programs for the indigent and working poor that not only provide affordable medical care, but also reduce the financial burden on the county's taxpayers for uninsured medical services; and

Whereas, He replaced an aging and dilapidated youth home with a state-of-the-art juvenile detention facility that provides a secured, temporary holding environment for incarcerated youths. Mr. McNamara restructured the juvenile justice system to meet the needs of today's at-risk youth with programs that address mental health issues, substance abuse, and provide the support and guidance troubled youths need to get back on a positive track; and

Whereas, Mr. McNamara addressed the problems of a rising crime rate and insufficient jail space by building an 840-bed jail in Hamtramck to house adult misdemeanants and felons serving sentences of less than a year; and

Whereas, He brought compassion and empathy to the families of deceased loved ones by replacing a morgue built in the 1920s with one of the country's finest and highly regarded medical facility; and

Whereas, Mr. McNamara took a neglected parks and recreation system and returned it to its former glory with parklands that are not only beautiful but community-friendly places for all to enjoy; and

Whereas, He helped spur redevelopment in the City of Detroit by working with both public and private entities to build Ford Field and Comerica Park, bringing a new sense of excitement to sporting events in the region; and

Whereas, Mr. McNamara and his wife Lucille grew up in Brightmoor, one of Detroit's poorest neighborhoods and from this humble and impoverished beginning, McNamara set out to make a better life for his family and the community. As a public leader, he attracted the best and the brightest talent to public service and worked with them to bring innovation and effectiveness into public policies and programs; and

Whereas, Edward H. McNamara has shown strong leadership, tireless dedication and commitment to good government that has earned him our deepest respect and appreciation; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and express our appreciation to Edward H. McNamara for his 40 years of service to the residents of Wayne County and the State of Michigan; and be it further

Resolved, that a copy of this resolution be transmitted to Edward H. McNamara as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Richardville 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.

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

Rep Shackleton offered the following concurrent resolution:

House Concurrent Resolution No. 54.

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 Capitol Complex Renovations.

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

Whereas, The site for the Department of Management and Budget Capitol Complex Renovations located in Ingham County (the "Facility") is currently owned by the State; and

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

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

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

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

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of Management and Budget Capitol Complex Renovations shall not exceed \$27,563,300 (the Authority share is \$27,563,200 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 \$27,563,200, 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 \$1,890,000 and \$2,472,000, 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 concurrent resolution was referred to the Committee on Appropriations.

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

Rep. Shackleton offered the following concurrent resolution:

House Concurrent Resolution No. 55.

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 State Police Michigan Public Safety Communications System Phase V.

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

Whereas, 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 facilities and equipment to be used by the State pursuant to a lease for the Facilities is a recognized public purpose; and

Whereas, Four public acts, 1995 PA 128, 1999 PA 265, 2000 PA 291, and 2001 PA 81, appropriate \$234,157,200 (State Building Authority share \$212,726,000; State General Fund share \$21,431,200) to complete plans and construct the Department of State Police Michigan Public Safety Communications System; and

Whereas, The public safety communications system known as the Department of State Police Michigan Public Safety Communications System is to be constructed in five phases; and

Whereas, By Senate Concurrent Resolution No. 288 adopted by the Senate and the House of Representatives on December 3 and December 11, 1996, respectively, the Michigan Legislature approved the conveyance of property and a lease for Phase I of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$35,211,085, plus interest charges on monies advanced by the State, of which not more than \$34,890,000, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 100 adopted by the Senate and the House of Representatives on December 2 and December 8, 1998, respectively, the Michigan Legislature approved the conveyance of property and a lease for Phase II of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$42,660,808, plus interest charges on monies advanced by the State, of which not more than \$42,660,808, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By House Concurrent Resolution No. 80 adopted by the House of Representatives and the Senate on February 29, 2000, and March 7, 2000, respectively, the Michigan Legislature approved the conveyance of property and a lease for Phase III of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$58,964,403, plus interest charges on monies advanced by the State, of which not more than \$58,964,403, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 19 adopted by the Senate on May 29, 2001, and the House of Representatives on June 13, 2001, the Michigan Legislature approved the conveyance of property and a lease for Phase IV of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$36,336,575, plus interest charges on monies advanced by the State, of which not more than \$36,336,575, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, The sites for Phase V of the Department of State Police Two-Way Radio System and Microwave Backbone System are located in Baraga, Chippewa, Gogebic, Houghton, Iron, Keweenaw, Marquette, Montmorency, and Ontonagon Counties (sites and related equipment together constitute "the Facilities") and are currently owned by the State; and

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

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

Resolved by the House of Representatives (the Senate concurring), That the total cost for the Department of State Police Two-Way Radio System and Microwave Backbone System Phase V, consisting of the Facilities, shall not exceed \$43,271,963, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, if any, of which not more than \$43,271,963, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, 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 Facilities and leasing it to the State and hereby determines that the leasing of the Facilities 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 Facilities shall be within or below the range of \$3,992,000 and \$4,879,000, 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 concurrent resolution was referred to the Committee on Appropriations.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 28, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, DeRoche, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Daniels, Hopgood, Murphy and Stallworth

Absent: Reps. LaSata and Woodward

Excused: Reps. LaSata and Woodward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, April 28, 2004

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda and Condino

Absent: Rep. Zelenko

Excused: Rep. Zelenko

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 28, 2004

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood, Gillard and Condino

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 Thursday, April 22:

Senate Bill Nos. 1151 1152 1153 1154 1155 1156 1157 1158

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, April 23:

Senate Bill Nos. 1159 1160 1161 1162 1163 1164 1165 1166

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, April 28:

House Bill Nos. 5822 5823 5824

House Joint Resolution X

The Clerk announced that the following Senate bills had been received on Wednesday, April 28:

Senate Bill Nos. 145 599

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4172, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 1995 PA 253.

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

The House agreed to the full title.

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

Senate Bill No. 145, entitled

A bill to amend 1969 PA 296, entitled "An act to provide for the transfer of jurisdiction over highways; to provide for the final determination of disputes involving transfers of highway jurisdiction; and to supersede certain acts and parts of acts," by amending sections 1 and 5 (MCL 247.851 and 247.855), section 5 as amended by 1980 PA 12, and by adding section 3a.

The Senate has passed the bill.

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

Senate Bill No. 599, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2003 PA 158.

The Senate has passed the bill.

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

Communications from State Officers

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

April 27, 2004

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

Performance Audit of the Bureau of Health Services,

Department of Community Health

April 2004

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

Introduction of Bills

Rep. Hummel introduced

House Bill No. 5825, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3407c.

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

Rep. Hummel introduced

House Bill No. 5826, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 402d.

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

Reps. Ward, Acciavatti, Taub, Walker, Hune, Elkins, Condino, Gillard, Gaffney, Nofs, LaJoy, Palmer and Vander Veen introduced

House Bill No. 5827, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1505.

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

Reps. Hardman, Smith, Stallworth, Clack, Reeves and Waters introduced

House Bill No. 5828, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

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

Reps. DeRoche and Ward introduced

House Bill No. 5829, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 758d.

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

Rep. Dennis moved that the House adjourn.
The motion prevailed, the time being 2:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, April 29, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives