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House Chamber, Lansing, Thursday, April 21, 2005.

10:30 a.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—excused	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—excused	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—excused	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—excused	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—excused	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—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	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. Barbara A. Farrah, from the 13th District, offered the following invocation:

“We praise You, Father of all; we thank You for calling us to be Your people, and for setting us apart to give You glory. Cleanse our hearts and our lives with Your holy word, and make our worship pleasing to You. Guide us by Your Spirit as we follow in Your path. All glory and praise are Yours, Father, forever and ever. Amen.”

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

Rep. Waters moved that Reps. Cheeks, Lipsey and McConico be excused from today’s session.
The motion prevailed.

Notices

Rep. Kahn, 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 Nos. 62-66. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 62 and 65-66 and ‘nay’ on Roll Call Nos. 63-64.”

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 4366, entitled

A bill to repeal 1897 PA 160, entitled “An act to establish a lien upon horses and other animals for the cost of shoeing the same,” (MCL 570.351 to 570.363).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4528, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2004 PA 458.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 1, line 3, after “**MURDER,**” by inserting “**SOLICITATION TO COMMIT MURDER,**”.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of
Third Reading of Bills

House Bill No. 4434, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17708, 17751, 17752, and 17763 (MCL 333.17708, 333.17751, 333.17752, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536, and by adding section 17753.

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

Roll Call No. 77**Yeas—104**

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

Nays—0

In The Chair: Kooiman

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 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752) and by adding section 17753.

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.

Reps. Waters, Plakas, Anderson, Stewart, Phillips, Zelenko, Kolb, Whitmer, Kooiman, Newell, Williams, Adamini, Brown, Virgil Smith, Hunter, Pastor, LaJoy, Kathleen Law, Brandenburg, Bieda, Meisner, Wojno, Condino, Vagnozzi, DeRoche, Accavitti, Amos, Stakoe, Garfield, Hune, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Byrum, Emmons, Sak, Nitz, Stahl, Huizenga, Farhat, Palsrok, Gillard, Dillon, Baxter, Clemente, Cushingberry, Donigan, Elsenheimer, Espinoza, Gonzales, Hansen, Kehrl, David Law, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pavlov, Polidori, Rocca, Schuitmaker, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

Rep. Cushingberry entered the House Chambers.

House Bill No. 4405, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

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

Roll Call No. 78**Yeas—105**

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

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.

Reps. Waters, Plakas, Anderson, Stewart, Phillips, Zelenko, Kolb, Kooiman, Meyer, Hummel, Newell, Adamini, Brown, Gaffney, Hunter, Farrah, LaJoy, Kathleen Law, Bieda, Wojno, Clack, Condino, Vagnozzi, Taub, Accavitti, Garfield, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Stahl, Huizenga, Farhat, Palsrok, Gillard, Dillon, Byrnes, Caul, Cushingberry, Elsenheimer, Espinoza, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kehrl, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pavlov, Pearce, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4227, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the

county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 15 (MCL 46.415), as amended by 1980 PA 187.

(The bill was received from the Senate on April 20, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 31, p. 471.)

The question being on concurring in the amendments made to the bill by the Senate,

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

Roll Call No. 79**Yeas—77**

Accavitti	Farrah	Lemmons, III	Schuitmaker
Amos	Gaffney	Lemmons, Jr.	Shaffer
Ball	Gillard	Mayes	Smith, Alma
Baxter	Gleason	McDowell	Smith, Virgil
Bieda	Gonzales	Meyer	Stahl
Brown	Green	Moolenaar	Stakoe
Byrnes	Hansen	Moore	Steil
Byrum	Hildenbrand	Murphy	Stewart
Casperson	Hood	Newell	Tobocman
Caul	Hopgood	Nitz	Vagnozzi
Clack	Huizenga	Nofs	Van Regenmorter
Condino	Hunter	Pastor	Vander Veen
Cushingberry	Jones	Pavlov	Walker
DeRoche	Kahn	Pearce	Ward
Dillon	Kolb	Phillips	Waters
Donigan	Kooiman	Plakas	Wenke
Elsenheimer	LaJoy	Polidori	Whitmer
Emmons	Law, Kathleen	Proos	Williams
Espinoza	Leland	Sak	Zelenko
Farhat			

Nays—28

Acciavatti	Drolet	Law, David	Robertson
Adamini	Garfield	Marleau	Rocca
Anderson	Gosselin	Meisner	Sheen
Angerer	Hoogendyk	Miller	Sheltrown
Brandenburg	Hummel	Mortimer	Spade
Caswell	Hune	Palmer	Taub
Clemente	Kehrl	Palsrok	Wojno

In The Chair: Kooiman

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

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 8.

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

(For text of concurrent resolution, see House Journal No. 27, p. 385.)

(The concurrent resolution was reported by the Committee on Appropriations on April 19, consideration of which, under the rules, was postponed until April 20.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 80

Yeas—105

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House

Senate Concurrent Resolution No. 9.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Central Michigan University relative to the Central Michigan University Health Professions Building.

(For text of concurrent resolution, see House Journal No. 27, p. 386.)

(The concurrent resolution was reported by the Committee on Appropriations on April 19, consideration of which, under the rules, was postponed until April 20.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 81

Yeas—103

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

Nays—0

In The Chair: Caswell

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

The Speaker laid before the House

Senate Concurrent Resolution No. 10.

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

(For text of concurrent resolution, see House Journal No. 27, p. 387.)

(The concurrent resolution was reported by the Committee on Appropriations on April 19, consideration of which, under the rules, was postponed until April 20.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 82

Yeas—102

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

Nays—0

In The Chair: Caswell

Rep. Meyer moved that Rep. Nofs be excused temporarily from today’s session.
The motion prevailed.

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

The Speaker laid before the House

Senate Concurrent Resolution No. 11.

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

(For text of concurrent resolution, see House Journal No. 27, p. 388.)

(The concurrent resolution was reported by the Committee on Appropriations on April 19, consideration of which, under the rules, was postponed until April 20.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 83

Yeas—101

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

Nays—0

In The Chair: Caswell

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Moolenaar, Kahn, Walker, Shaffer, Acciavatti, Ward, Garfield, Pastor, Amos, Casperson, Steil, Kolb, Alma Smith, Stahl, Vander Veen, Jones, Accavitti, Adamini, Anderson, Ball, Brandenburg, Brown, Byrum, Caul, Clack, Gleason, Gonzales, Gosselin, Kooiman, LaJoy, Kathleen Law, Lemmons, III, Lemmons, Jr., Marleau, Meyer, Miller, Mortimer, Pavlov, Polidori, Rocca, Sak, Sheltroun, Spade, Taub and Tobocman offered the following resolution:

House Resolution No. 55.

A resolution to memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development.

Whereas, Energy is our economic lifeblood. Indeed, with energy prices soaring to new and never seen heights in our country this is more apparent now than ever. In an effort to foster the development of alternative energy sources for the future, a production tax credit for wind power energy development was established in 1992. The success of this program is evident in the significant progress that has been made in the development of clean sources of power for our country in the years since that time; and

Whereas, The long-term effectiveness of the production tax credit for wind energy development has been impeded by the fact that this important program faces sunset provisions every two years. Although the sunset is a productive oversight tool to ensure sound spending policies, an extended effort like developing viable wind energy technologies requires enormous capital expenses and long-term commitment. The requirement for renewal every two years has proven to be counterproductive, as demonstrated by the fact that during most two-year cycles, the amount of power added by wind energy investment drops considerably in the second year as developers worry if the tax credit will be renewed after its sunset expiration; and

Whereas, The production tax credit would be far more effective if it could be extended farther beyond a two-year period. Like most other tax credits the government creates to encourage beneficial behaviors, the production tax credit is designed to foster an emerging and capital-intensive industry that may one day be a key part of America's overall energy needs. Clearly, wind energy technology will see many more significant advances with a consistent, multiple-year tax approach; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development beyond the two-year cycle under which it now operates: and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Accavitti, Acciavatti, Palmer, LaJoy, Garfield, Bieda, Wojno, Rocca, Miller, Zelenko, Stahl, Anderson, Gaffney, Adamini, Brown, McConico, Angerer, Donigan, Byrnes, Hoppood, Kathleen Law, Vagnozzi, Byrum, Condino, Farrah, Alma Smith, Espinoza, Plakas, Murphy, Gillard, Hood, Kolb, Tobocman, Gleason, Dillon, Sheltroun, Nofs, Brandenburg, Taub and Lipsey offered the following resolution:

House Resolution No. 56.

A resolution to memorialize the United States Congress to validate the requirement for Selfridge Air National Guard Base during the current round of the Base Realignment and Closure process.

Whereas, Congress has authorized the examination of our military bases in order to determine which facilities are necessary for national defense and which bases are excess. Known as Base Realignment and Closure (BRAC), several rounds of this process have taken place since 1988. The current round is taking place during a time of war, and the importance of maintaining needed bases is heightened. The 2005 BRAC round will also be affected by the planned return of forces from Europe to the continental United States; and

Whereas, With fewer forces overseas and with our military undergoing a transformation for a power projection role, the base infrastructure in the United States must be robust enough to support rapid deployment overseas to crisis areas. Unlike the Cold War era when major concentrations of American forces were kept in Western Europe and South Korea where the major threats lay, today's military must be prepared to deploy anywhere as a joint force for a wide variety of missions on short notice; and

Whereas, Selfridge Air National Guard Base is strategically located as the only military installation in the continental United States on an international waterway. With border control and monitoring a vital task for homeland security, Selfridge is clearly on the frontline of preventing another horrific terrorist attack on our nation. Nearly 5,000 people are either employed by Selfridge or are based there. In an age when "jointness," the ability of all components of the military to fight as a seamless team, has taken on added importance, Selfridge Air National Guard Base leads the way. This base is the home to numerous active and reserve component units from the Air Force, Army, Navy, and Marine Corps; and

Whereas, Selfridge is also the home of programs that interact with the community. STARBASE uses an aviation theme to promote science and math lessons to make sure that no matter what a student's economic situation, he or she can achieve a career in these demanding areas. The Civil Air Patrol carries out activities from Selfridge as does the Defense Reutilization and Marketing Office, which disposes of excess and surplus Department of Defense personal property. Befitting its location near Canada, Selfridge also hosts the United States Border Patrol; and

Whereas, With our military transforming itself from its Cold War orientation even as it fights the war on terror, Selfridge Air National Guard Base is an essential component for homeland defense, warfighting, and power projection. Indeed, with ample room to absorb new units from any service, Selfridge would be an ideal base for some of the forces that we will redeploy out of Germany and return to the continental United States. The proven track record, current mission, and future versatility to support a transformed military combine to make Selfridge Air National Guard Base a national asset that must be retained; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to validate the requirement for Selfridge Air National Guard Base during the current round of the Base Realignment and Closure process; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Zelenko, Kathleen Law, Clack, Kehrl, Miller, Robertson, Garfield, Elsenheimer, Meyer, Vander Veen, Accavitti, Lipsey, Alma Smith, Espinoza, Whitmer, McDowell, Plakas, Gleason, Hopgood, Byrnes, Angerer, Gonzales, Cushingberry, Anderson and Cheeks offered the following resolution:

House Resolution No. 57.

A resolution recognizing April 25, 2005, as Red Hat Society Day and the week of April 25, 2005, as Red Hat Society Week in the state of Michigan.

Whereas, The women of the Red Hat Society have throughout their lives shouldered the various responsibilities that life has put upon them, often without the support structure afforded by so many other groups; and

Whereas, These same women, now entering into their later stages of life, deserve the camaraderie of a supportive sisterhood as they work to redefine themselves as women now that the yokes of their earlier responsibilities have been lifted; and

Whereas, The Red Hat Society, a "dis-organization" dedicated to the simple purposes of having and providing opportunities for fun, is most aptly qualified to fulfill this supportive and nurturing role so often missing from the lives of those it seeks to lift up; and

Whereas, The Red Hat Society is a "dis-organization" also dedicated to bringing together the women of the world in order to draw attention to the plight of women, particularly middle-aged women, in society through their gatherings and trademark, red hats and purple dresses (pink hats and lavender dresses until you celebrate "The Birthday"); and

Whereas, The Red Hat Society has support across our state. Chapters exist in every county of Michigan; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize April 25, 2005, as Red Hat Society Day and the week of April 25, 2005, as Red Hat Society Week in the state of Michigan; and be it further

Resolved, That we join in "red-gloved hands" with the women of the Red Hat Society and offer them sincerest praise and support in their efforts; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Exalted Queen Mother, Sue Ellen Cooper. Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, April 21, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, April 21, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Donigan

Absent: Reps. Ward and Bennett

Excused: Reps. Ward and Bennett

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, April 20:

Senate Bill Nos. 391 392 393 394 395 396 397 398 399

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, April 21:

House Bill Nos. 4636 4637 4638 4639 4640 4641 4642 4643

The Clerk announced that the following Senate bills had been received on Thursday, April 21:

Senate Bill Nos. 83 180

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4414, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

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.

House Bill No. 4415, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 26 (MCL 421.26), as amended by 1984 PA 172.

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.

House Bill No. 4012, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 4 and 16 (MCL 125.2154 and 125.2166), section 4 as amended by 2000 PA 248.

The Senate has amended the bill as follows:

1. Amend page 2, line 13, after "**THE**" by striking out the balance of the line through "**LOCATED**" on line 15 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS APPROVED**".

2. Amend page 5, line 21, after the first "**THE**" by striking out the balance of the line through "**LOCATED**" on line 23 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED**".

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.

House Bill No. 4013, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 3 and 17 (MCL 125.1803 and 125.1817), section 3 as amended by 1983 PA 148.

The Senate has amended the bill as follows:

1. Amend page 2, line 12, after "**THE**" by striking out the balance of the line through "**LOCATED**" on line 14 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE AUTHORITY IS ESTABLISHED AND A TAX INCREMENT FINANCING PLAN IS APPROVED**".

2. Amend page 4, line 6, after the first "**THE**" by striking out the balance of the line through "**LOCATED**" on line 8 and inserting "**GOVERNING BODY OF EACH TAXING JURISDICTION LEVYING TAXES THAT WOULD BE SUBJECT TO CAPTURE IF THE DEVELOPMENT PLAN OR THE TAX INCREMENT FINANCING PLAN IS APPROVED OR AMENDED**".

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.

House Bill No. 4318, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 3 and 18 (MCL 125.1653 and 125.1668), section 3 as amended by 2004 PA 521.

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 amended the title to read as follows:

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1, 3, and 18 (MCL 125.1651, 125.1653, and 125.1668), section 1 as amended by 2004 PA 196 and section 3 as amended by 2004 PA 521.

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

Senate Bill No. 83, entitled

A bill to amend 1964 PA 287, entitled "An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts," by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

The Senate has passed the bill.

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

Senate Bill No. 180, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 6 (MCL 38.1306), as amended by 1995 PA 272.

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 communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:45 A.M. this date, administrative rule (05-03-02) for the Department of Environmental Quality, Water Bureau entitled "*Part 21. Wastewater Discharge Permits*", effective 7 days after filing with the Secretary of State.

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:47 A.M. this date, administrative rule (05-03-03) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part I. General Provisions*", effective 7 days after filing with the Secretary of State.

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:49 A.M. this date, administrative rule (05-03-04) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part 3. Variances and Exemptions*", effective 7 days after filing with the Secretary of State.

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:51 A.M. this date, administrative rule (05-03-05) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part 6. State Drinking Water Standards and Analytical*", effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Clerk.

Introduction of Bills

Rep. Gaffney introduced

House Bill No. 4644, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 707c (MCL 257.707c).
The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Zelenko, Clack, Kehrl, Miller, Robertson, Garfield, Walker, Meyer, Vander Veen, Accavitti, Lipsey, Alma Smith, Espinoza, Whitmer, McDowell, Plakas, Gleason, Hopgood, Byrnes, Gonzales, Cushingberry, Anderson and Cheeks introduced

House Bill No. 4645, entitled

A bill to designate the official fruit of this state.

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

Reps. Cushingberry, Waters, Sak, Zelenko, Murphy, Anderson, Accavitti, Whitmer, Clack, Wojno, Meisner, Sheltroun, Brown, Gonzales, Alma Smith, Kolb and Clemente introduced

House Bill No. 4646, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1351 (MCL 380.1351), as amended by 2003 PA 299.

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

Reps. Moolenaar, Kahn, Walker, Shaffer, Acciavatti, Ward, Garfield, Pastor, Amos, Van Regenmorter, Casperson, Steil, Kolb, Stahl, Vander Veen and Jones introduced

House Bill No. 4647, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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

Reps. Walker, Moolenaar, Booher, Meyer, Brandenburg, Casperson, Kahn, Garfield, Vander Veen, Amos, Gaffney, Palmer, Tobocman, Gonzales, Nitz, Hune and Emmons introduced

House Bill No. 4648, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 16j.

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

Reps. Walker, Moolenaar, Booher, Meyer, Brandenburg, Casperson, Kahn, Garfield, Amos, Gaffney, Palmer, Tobocman, Gonzales, Nitz, Vander Veen, Emmons and Hune introduced

House Bill No. 4649, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 16j.

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

Reps. Lemmons, III, Vagnozzi, Lemmons, Jr., Alma Smith, Hunter, Tobocman, Waters, Donigan, McConico and Cheeks introduced

House Bill No. 4650, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 223 (MCL 750.223), as amended by 1992 PA 221.

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

Reps. Lemmons, III, Vagnozzi, Lemmons, Jr., Alma Smith, Hunter, Tobocman, Waters, Donigan, McConico and Cheeks introduced

House Bill No. 4651, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2001 PA 166.

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

Reps. Lemmons, III, Lemmons, Jr., Hunter, Clack, Murphy, Gosselin, Whitmer and Cheeks introduced

House Bill No. 4652, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520b, 520c, 520d, and 520e (MCL 750.520b, 750.520c, 750.520d, and 750.520e), as amended by 2002 PA 714.

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

Reps. Lemmons, III, Vagnozzi, Lemmons, Jr., Alma Smith, Hunter, Tobocman, Waters, Donigan, McConico and Cheeks introduced

House Bill No. 4653, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for

or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2004 PA 101.

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

Reps. Casperson, Emmons, Garfield, Gosselin, Drolet, Hoogendyk, Elsenheimer, Palmer, Pastor and LaJoy introduced **House Bill No. 4654, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

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

Reps. Kehrl, Vagnozzi, Angerer, Miller, Brown, Stahl, Clack, Gleason, Clemente, Plakas, Anderson, Spade, Polidori, Mayes, Sheltroun and Hood introduced

House Bill No. 4655, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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

Reps. Hopgood, Lemmons, III, Plakas, Kathleen Law, Donigan, Bennett and Tobocman introduced

House Bill No. 4656, entitled

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 801 (MCL 418.801), as amended by 1994 PA 271.

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

Reps. Hansen, Booher, Brown, Garfield, Casperson, Kolb, Elsenheimer, Wenke, Green, Jones, Pearce and Moore introduced

House Bill No. 4657, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 15 (MCL 388.1615), as amended by 2004 PA 351.

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

Reps. Sheltroun, Miller, Kehrl, Lemmons, Jr., Vagnozzi, Tobocman, Cushingberry, Wojno, Leland, Mayes, Whitmer and Lemmons, III introduced

House Bill No. 4658, entitled

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

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

Reps. Sheltroun, Brown, Cushingberry, Plakas, Adamini, Vagnozzi, Jones, Lemmons, Jr., Leland, Mayes and Lemmons, III introduced

House Bill No. 4659, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81133 (MCL 324.81133), as amended by 1998 PA 86.

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

Rep. Pearce moved that the House adjourn.
The motion prevailed, the time being 11:55 a.m.

Associate Speaker Pro Tempore Caswell declared the House adjourned until Tuesday, April 26, at 1:00 p.m.