

No. 25
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, March 23, 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—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—excused
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—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. Andy Dillon, from the 17th District, offered the following invocation:

“Dear Lord, we thank You for all the blessings You have bestowed upon us. It is with humble and contrite hearts that we ask for Your blessing here today. Please guide the members and staff of this House and give us wisdom and prudence as we deliberate on the important matters that come before us today. Please help us to perform our duties with a common purpose and for the good of all the residents of the Great State of Michigan. Please help to bring unity to this chamber so that we may serve as one and as Your instrument here on earth. We ask this in Your name...Amen.”

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

Reports of Standing Committees

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 4143, entitled

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

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. Wenke, Emmons, Palmer, Byrnes and Kehrl

Nays: None

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported

House Bill No. 4144, entitled

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

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. Wenke, Emmons, Palmer, Byrnes and Kehrl

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education and Career Preparation, was received and read:

Meeting held on: Tuesday, March 22, 2005

Present: Reps. Wenke, Emmons, Palmer, Byrnes, Lipsey and Kehrl

Absent: Rep. Ward

Excused: Rep. Ward

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4108, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding sections 2975 and 2976.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 22, 2005

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

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4242, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2830 (MCL 333.2830), as amended by 1994 PA 242.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, McConico, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 170, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g, 16m, and 16s of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, 777.16m, and 777.16s), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, and section 16s of chapter XVII as amended by 2004 PA 519.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, McConico and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:
Meeting held on: Wednesday, March 23, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, McConico, Bieda and Virgil Smith

Absent: Rep. Adamini

Excused: Rep. Adamini

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 4204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones and Marleau

Nays: Reps. Condino, Bieda, Farrah, Zelenko, Miller and Bennett

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 4289, entitled

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

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Condino, Bieda, Farrah, Miller and Bennett

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 23, 2005

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller and Bennett

Absent: Rep. Meisner

Excused: Rep. Meisner

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4450, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217 (MCL 257.217), as amended by 2002 PA 652.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4451, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80320 (MCL 324.80320), as added by 1995 PA 58.

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4452, entitled

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending section 30d (MCL 125.2330d).

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4453, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81108 (MCL 324.81108), as added by 1995 PA 58.

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

The Committee on Banking and Financial Services, by Rep. Robertson, Chair, reported

House Bill No. 4454, entitled

A bill to amend 1962 PA 174, entitled "Uniform commercial code," by amending section 9311 (MCL 440.9311), as amended by 2001 PA 145.

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. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 23, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

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

House Bill No. 4412, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 503, 523, and 1311e (MCL 380.503, 380.523, and 380.1311e), section 503 as amended by 2003 PA 299, section 523 as added by 2003 PA 179, and section 1311e as added by 1999 PA 23.

With the recommendation that the bill be referred to the Committee on Employment Relations, Training, and Safety.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Employment Relations, Training, and Safety.

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

Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 23, 2005

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

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

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, March 23, 2005

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

Absent: Rep. Drolet

Excused: Rep. Drolet

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, March 23:

**House Bill Nos. 4526 4527 4528 4529 4530 4531 4532 4533 4534 4535 4536 4537 4538 4539
4540 4541**

The Clerk announced that the following Senate bill had been received on Wednesday, March 23:

Senate Bill No. 79

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 79, entitled

A bill to amend 1967 (Ex Sess) PA 7, entitled "Urban cooperation act of 1967," by amending section 8a (MCL 124.508a), as amended by 1996 PA 45.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Introduction of Bills

Reps. Robertson, Brandenburg, Pastor, Garfield, Marleau and Byrnes introduced

House Bill No. 4542, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 2004 PA 570.

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

Reps. Robertson, Brandenburg, Pastor, Garfield, Marleau and Byrnes introduced

House Bill No. 4543, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

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

Reps. Elsenheimer, Jones, Newell, Nofs, David Law and Sheltrown introduced

House Bill No. 4544, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 508 (MCL 750.508), as amended by 2002 PA 672.

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

Reps. Taub, Meyer, Pavlov, Garfield, Marleau and Nofs introduced

House Bill No. 4545, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

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

Reps. Taub, Meyer, Pavlov, Gosselin, Garfield, Pastor, Marleau, Robertson, Drolet, Palmer, Acciavatti, LaJoy, Stahl, Stakoe, Espinoza, Amos, Brandenburg and Gonzales introduced

House Bill No. 4546, entitled

A bill to provide for the establishment of a regional water and sewer district; to provide for a board of trustees; to provide for transfer of certain rights in water supply and sewerage facilities; to provide for payment for water supply and sewerage services and facilities through rates, charges, taxes, special assessments, and other means; to provide for the issuance and payment of bonds; and to provide for the powers and duties of certain governmental officials and entities.

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

Reps. Lemmons, III, Lemmons, Jr., Garfield, Zelenko, Hopgood, Hunter, Leland, Phillips, Williams, Brown, Cushingberry, Tobocman, Virgil Smith and Cheeks introduced

House Bill No. 4547, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 70d. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Lemmons, Jr., Lemmons, III, Cushingberry and Cheeks introduced

House Bill No. 4548, entitled

A bill to require employers to give notice to certain persons of actions affecting employees; to create certain rights and responsibilities for employers and laid-off employees; to provide certain powers and duties to certain state agencies and officials; and to provide for remedies.

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

Reps. Lemmons, Jr., Lemmons, III, Tobocman, Cushingberry, Miller and Cheeks introduced

House Bill No. 4549, entitled

A bill to amend 2004 PA 161, entitled "Michigan immigration clerical assistant act," by amending section 15 (MCL 338.3465).

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

Reps. Meisner, Waters, David Law, Miller, Condino, Anderson, Gosselin, Gaffney, Vander Veen, Kahn, Adamini, Lemmons, III, Gleason, Sheltroun, Zelenko, Palmer, Hunter, Tobocman, Plakas, Nofs, Gillard, Baxter, Murphy, Palsrok, Clemente, Byrnes, Virgil Smith and Wenke introduced

House Bill No. 4550, entitled

A bill to provide for restroom access for persons with certain medical conditions; to provide immunity from liability for permitting restroom access; and to prescribe penalties.

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

Reps. Elsenheimer, Vander Veen, Pearce, Sheltroun and Gosselin introduced

House Bill No. 4551, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 13e.

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

Reps. Gaffney, Meisner, Kathleen Law, Farrah, Vagnozzi, McDowell, Hune, Ward, Plakas, Vander Veen and Accavitti introduced

House Bill No. 4552, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811q.

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

Reps. Stahl, Sak, Stewart, Gillard, Baxter, Meyer, Sheen, Nofs, Moore, Garfield, Gosselin, Vander Veen, Gaffney, Pearce, Brown, Polidori, Gonzales, Walker, Moolenaar, Hummel, Spade, Brandenburg, Robertson, Casperson, Caswell, Marleau, Farhat, Palsrok, Pastor, Shaffer, Elsenheimer, Ball, Schuitmaker, LaJoy, Rocca, Palmer, Hoogendyk, Wenke, Hansen and Lemmons, III introduced

House Bill No. 4553, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m; and to repeal acts and parts of acts.

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

Reps. Baxter, Huizenga, Gosselin and Nitz introduced

House Bill No. 4554, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7cc (MCL 211.7cc), as amended by 2003 PA 247.

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

Reps. Pearce, Jones, Booher, Wenke, Hansen, LaJoy, Kahn, Hildenbrand, Elsenheimer, Walker, Huizenga, Van Regenmorter and Vander Veen introduced

House Bill No. 4555, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4356, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2919a (MCL 600.2919a).

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Judiciary,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4482, entitled

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

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

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

"(i) FOR TAXES LEVIED BEFORE JULY 1, 2005, THE AMOUNT PERMITTED TO BE RECEIVED BY AN AUTHORITY FOR AN ELIGIBLE OBLIGATION AS PROVIDED IN THIS ACT." and renumbering the remaining subparagraphs.

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

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

The motion prevailed.

House Bill No. 4433, entitled

A bill to allow the display of the Ten Commandments on public property under certain circumstances.

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

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

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

The motion prevailed.

Notices

Rep. Adamini, 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. 40-43. Had I been present, I would have voted 'yea'."

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Caswell moved to amend the bill as follows:

1. Amend page 2, line 13, after "**REVIEW.**" by striking out "**THE**" and inserting "**NOTWITHSTANDING THE LIMITATION PROVIDED IN SECTION 53B(1) ON THE NUMBER OF YEARS FOR WHICH A CORRECTION MAY BE MADE, THE**".

2. Amend page 2, line 19, after "**ROLL.**" by inserting "**FOR PURPOSES OF SECTION 53B, AN ADJUSTMENT UNDER THIS SUBSECTION SHALL BE CONSIDERED THE CORRECTION OF A CLERICAL ERROR.**".

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 44**Yeas—109**

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Lipsey

Proos
Robertson
Rocca
Sak
Schuitmaker

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

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. 4186, 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 51 (MCL 28.4251), as amended by 2002 PA 719.

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

Roll Call No. 45

Yeas—109

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipsey	Schuitmaker
Angerer	Garfield	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Baxter	Gleason	McConico	Sheltrown
Bennett	Gonzales	McDowell	Smith, Alma
Bieda	Gosselin	Meisner	Smith, Virgil

Booher	Green	Meyer	Spade
Brandenburg	Hansen	Miller	Stahl
Brown	Hildenbrand	Moolenaar	Stakoe
Byrnes	Hood	Moore	Stewart
Byrum	Hoogendyk	Mortimer	Taub
Casperson	Hopgood	Murphy	Tobocman
Caswell	Huizenga	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Phillips	Williams
Donigan	LaJoy	Plakas	Wojno
Drolet	Law, David	Polidori	Zelenko
Elsenheimer			

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, McConico, Anderson, Stewart, Kooiman, Adamini, Brown, Hunter, Pastor, LaJoy, Brandenburg, Bieda, Clack, Condino, Vagnozzi, Taub, Garfield, Gleason, Nofs, Emmons, Sak, Stahl, Sheen, Moolenaar, Gillard, Casperson, Dillon, Angerer, Ball, Bennett, Booher, Caul, Clemente, Espinoza, Gonzales, Gosselin, Jones, Kehrl, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Mortimer, Pearce, Schuitmaker, Sheltroun, Spade and Murphy were named co-sponsors of the bill.

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. Tobocman, Kooiman, Accavitti, Adamini, Anderson, Brown, Byrnes, Clack, Condino, Dillon, Elsenheimer, Farrah, Gleason, Gonzales, Hildenbrand, Hopgood, Huizenga, Kolb, LaJoy, Leland, Lemmons, Jr., Lipsey, Mayes, Meisner, Miller, Murphy, Plakas, Polidori, Proos, Sak, Shaffer, Sheltroun, Spade, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 39.

A resolution recognizing the week of March 28 through April 3, 2005, as National Community Development Week in the state of Michigan.

Whereas, For over thirty years in communities throughout the nation, local governments, non-profit agencies, and residents have developed a strong network of relationships to provide services to local communities and to develop projects to improve neighborhoods; and

Whereas, The state of Michigan has benefited from the community development partnerships and programs which have flourished due to the strong support of local governments and state agencies like the Michigan State Housing Development Authority; and

Whereas, Michigan community development partnerships and programs have created significant results in urban and rural communities, including after school programs, new and improved parks, neighborhood commercial revitalization projects, and over 5,000 housing units, of which nearly 2,000 are single family homes; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the week of March 28 through April 3, 2005, as National Community Development Week in the state of Michigan. We encourage all citizens to recognize and applaud the many contributions made by community development organizations and professionals to enhance the quality of life in this state by improving neighborhoods and low- and moderate-income residents.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Nofs, Accavitti, Adamini, Anderson, Brown, Byrnes, Clack, Condino, Dillon, Elsenheimer, Farrah, Gleason, Gonzales, Green, Hildenbrand, Hopgood, Huizenga, Kolb, LaJoy, Leland, Lemmons, Jr., Lipsey, Mayes, Meisner, Meyer, Miller, Murphy, Polidori, Proos, Sak, Shaffer, Sheltroun, Spade, Tobocman, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 40.

A resolution commemorating April 2005 as Raise the Flags and Dig Safely Month in the state of Michigan.

Whereas, The month of April, traditionally the beginning of the construction season, will be known as Raise the Flags and Dig Safely Month; and

Whereas, There continues to be steady construction activity in the state of Michigan. This construction activity has sometimes led to damages to underground facilities, which consist of cables, pipes, and lines located under the ground's surface. At times, these incidents have resulted in the loss of property and even serious injury to Michigan's citizens. Annually, there are thousands of recorded incidents of damages to underground facilities that occur in Michigan. Michigan's major gas, electric, and telecommunications companies, as well as other associated groups and the Michigan Public Service Commission, have worked together to develop and implement the best practices designed to decrease such incidents in the future; and

Whereas, The Raise the Flags campaign, sponsored by a utility consortium, is celebrating its fifth anniversary in 2005. The damage prevention program has been successful in helping to educate utility customers and the general public about safe digging, and has helped reduce accidents and damages to underground facilities. The program is recognized by Michigan's major gas and electric utilities such as Consumers Energy and DTE Energy, as well as other associated groups such as the Michigan Infrastructure and Transportation Association, Michigan Damage Prevention Board, MISS DIG System, Inc., and the Michigan Public Service Commission; and

Whereas, The Raise the Flags campaign has also demonstrated success in educating residents about the Michigan law that requires calling MISS DIG at least three working days before beginning a construction project. These projects can be as simple as planting a tree, installing a mailbox post or deck, and as complex as erecting an office building, residential home, or making major road repairs. The Raise the Flags campaign encourages contractors and the general public to call MISS DIG before digging, wait the required amount of time before digging, respect the staking flags, and then dig carefully; and

Whereas, We applaud the ongoing success of this program to educate Michigan residents on how to dig safely when undertaking construction projects; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate April 2005 as Raise the Flags and Dig Safely Month; and be it further

Resolved, That the parties involved in the Raise the Flags campaign be commended for coming together to find ways to decrease the number of incidents that damage underground facilities and reduce the risk of injury to Michigan citizens.

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.

Rep. Sak moved that the House adjourn.

The motion prevailed, the time being 2:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 24, at 10:30 a.m.

