

No. 92
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, October 26, 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—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—excused	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		

Rep. Fulton J. Sheen, from the 88th District, offered the following invocation:

“Joel 2:11-14:

‘Even now,’ declares the Lord, ‘return to me with all your heart, with fasting and weeping and mourning.’ Render your heart and not your garments. Return to the Lord your God, for he is gracious and compassionate, slow to anger and abounding in love, and he relents from sending calamity. How knows? He may turn and have pity and leave behind a blessing—

Lord, we pray You would relent and have mercy on our brothers and sisters in Florida, Alabama, Mississippi, Louisiana and Texas and that You would comfort, rebuild and restore their homes, their families and their spirit.

Lord, we thank You for our state, for the towns and cities we live in, for our families and loved ones. We have not experienced the loss and destruction as the Gulf states have.

However, we are experiencing hardship. The loss of jobs and a faltering economy are hurting and creating hardship for our people and Michigan families.

Lord, we believe and proclaim that You are gracious and compassionate, kind and slow to anger, abounding in love.

We pray that You would relent from sending the calamity of unemployment and hopelessness. We pray for mercy. We ask for forgiveness for poor stewardship and wrong policies.

And we pray You will turn and have pity, that You would give us wisdom and revelation to create wise legislation and good policy that would be pleasing to You so that we can enter Your blessing once again and leave a blessing to this state when we leave office.

In Jesus’ name we pray, Amen.”

Rep. Sak moved that Rep. Kehrl be excused from today’s session.

The motion prevailed.

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 144.

A resolution honoring the life of Rosa Parks, who contributed to the betterment of the nation and all humanity.

Whereas, It is with a strong sense of reverence and admiration for her commitment to human equality and civil rights on behalf of all people, we honor today the life and work of Rosa Parks; and

Whereas, Rosa Louise McCauley was born in Tuskegee, Alabama on February 4, 1913. She married civil rights activist Raymond Parks in 1932, and became active in the American Civil Rights Movement in 1943, becoming secretary of the Montgomery, Alabama National Association for the Advancement of Colored People; and

Whereas, Rosa Parks gained national recognition when she refused to give up her seat on a Montgomery city bus to a white man and was arrested, spurring a 381-day boycott by African Americans of the Montgomery bus system; and

Whereas, Rosa Parks became an inspiration to others as the mother of the civil rights movement when her 1956 landmark U.S. Supreme Court case ruled that segregated bus service was unconstitutional, henceforth affecting all segregationist laws; and,

Whereas, Rosa Parks continued her service to society in Detroit, Michigan, where she worked in the office of U.S. Representative John Conyers, Jr., as a legislative aide from 1965 to 1988. She lived in Detroit, Michigan from 1957 until her death on October 24, 2005; and,

Whereas, Rosa Parks, for her unparalleled pursuit of justice and equality for humanity was awarded the NAACP’s highest honor, the Spingarn Medal, in 1979. In 1980, she was awarded the Martin Luther King, Jr., Nonviolent Peace Prize. In recognition for her civil rights achievements, Rosa Parks was inducted into the Michigan Women’s Hall of Fame in 1983. She received the Presidential Medal of Freedom in 1996, and the Congressional Gold Medal in 1999; and

Whereas, For her tireless service to the welfare and benefit of all people throughout her life; now, therefore be it Resolved by the House of Representatives, That the members of this legislative body honor the life and work of Rosa Parks. May God grant us the willingness to share the message and work of this great woman for the sanctity of humanity, to work to better the lives of all our brothers and sisters, and to stand up for what we know to be right; and, be it further

Resolved, That a copy of this resolution be transmitted to her family and institution as a token of our esteem and respect.

The question being on the adoption of the resolution,
The resolution was adopted.

The Speaker called the Speaker Pro Tempore to the Chair.

Reports of Standing Committees

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

House Bill No. 4835, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 57a.

With the recommendation that the substitute (H-2) 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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Caul, Hansen, Kahn, Kolb, Cushingberry, Cheeks and Williams

Nays: Reps. Whitmer, Brown, Sak, Alma Smith and Gonzales

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hummel, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Tuesday, October 25, 2005

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

Absent: Reps. Plakas and Phillips

Excused: Reps. Plakas and Phillips

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported

Senate Bill No. 708, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending section 3 (MCL 752.1063).

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. Nofs, Proos, LaJoy, Palsrok, Stahl, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hopgood and Clemente

Nays: Reps. Drolet, Emmons, Garfield and Huizenga

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:
Meeting held on: Wednesday, October 26, 2005

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

Absent: Rep. Hunter

Excused: Rep. Hunter

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, October 26, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 26, 2005

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

Absent: Reps. Lemmons, III and Kehrl

Messages from the Senate**House Bill No. 4968, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1104, 2301, 2519, 2908, 3715, 3804, 3919, 5202, 5204, 5217, 5301, 5308, 5423, 7401, 7502, and 7508 (MCL 700.1104, 700.2301, 700.2519, 700.2908, 700.3715, 700.3804, 700.3919, 700.5202, 700.5204, 700.5217, 700.5301, 700.5308, 700.5423, 700.7401, 700.7502, and 700.7508), sections 1104, 2519, 5202, 5204, 5301, and 5308 as amended by 2000 PA 54, sections 2301 and 3715 as amended by 2004 PA 314, section 5423 as amended by 2000 PA 469, and section 7508 as amended by 2000 PA 177.

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. 5253, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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. 4315, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees,

drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

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 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 (MCL 224.6), as amended by 1982 PA 299.

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

House Bill No. 4316, entitled

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, October 26:

House Bill Nos. 5352 5353 5354 5355 5356 5357 5358 5359 5360 5361 5362 5363 5364 5365

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

October 7, 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 2:22 P.M. this date, administrative rule (05-10-01) for the Department of Labor and Economic Growth, Director’s Office, entitled “*Occupational Health Standards, Part 681. Radiation in Construction: Ionizing and Nonionizing*”, effective immediately upon filing with the Secretary of State.

October 11, 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 2:14 P.M. this date, administrative rule (05-10-02) for the Department of Labor and Economic Growth, Director’s Office, entitled “*General Industry Safety Standards, Part 50. Telecommunication*”, effective immediately upon filing with the Secretary of State.

October 12, 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 11:30 A.M. this date, administrative rule (05-10-03) for the Department of Human Services, Director's Office, entitled "*Family and Group Day Care Homes*" these rules take effect on January 1, 2006.

October 12, 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 11:32 A.M. this date, administrative rule (05-10-04) for the Department of Environmental Quality, Waste and Hazardous Management Division, entitled "*Solid Waste Management Part 115*" these rules take effect 7 days after filing with the Secretary of State.

October 12, 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 11:34 A.M. this date, administrative rule (05-10-05) for the Department of Labor and Economic Growth, Director's Office, entitled "*Michigan Elevator Rules*" these rules take effect 60 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.

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

October 25, 2005

Enclosed is a copy of the following audit report and/or report summary:
Financial audit of the
Michigan Legislative Retirement System
for the period October 1, 2002 through September 30, 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

Reps. McDowell, Gillard, Tobocman, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Sak, Clack, Angerer, Gleason, Kehrl, Polidori, Gonzales, Farrah, Donigan, Clemente, Vagnozzi, Murphy, Anderson, Leland, Sheltroun, Cushingberry, Lemmons, Jr., Miller, Brandenburg, Byrnes, Hopgood, Espinoza, Gaffney, Stewart, David Law, Kahn, Nofs and Lemmons, III introduced

House Bill No. 5366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32704a.

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

Reps. Kehrl, Gillard, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Sak, Angerer, Gleason, Polidori, Gonzales, Farrah, Donigan, Anderson, Clemente, Vagnozzi, Murphy, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Miller, Brandenburg, Byrnes, Hopgood, Espinoza, McDowell, Gaffney, Stewart, Nofs and Lemmons, III introduced

House Bill No. 5367, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32713 (MCL 324.32713), as added by 1995 PA 59.

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

Reps. Espinoza, Murphy, Anderson, Gillard, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Sak, Angerer, Gleason, Kehrl, Polidori, Gonzales, Donigan, Farrah, Mayes, Clemente, Vagnozzi, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Miller, Brandenburg, Byrnes, Hopgood, McDowell, Gaffney, Stewart, David Law, Kooiman, Nofs and Lemmons, III introduced

House Bill No. 5368, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32704a.

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

Reps. Sak, Gillard, Murphy, Anderson, Alma Smith, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Angerer, Gleason, Kehrl, Polidori, Gonzales, Donigan, Farrah, Clemente, Vagnozzi, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Brandenburg, Miller, Byrnes, Hopgood, Espinoza, McDowell, Gaffney, Stewart, Nofs and Lemmons, III introduced

House Bill No. 5369, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701 and 32706 (MCL 324.32701 and 324.32706), section 32701 as amended by 2003 PA 148 and section 32706 as amended by 1996 PA 434, and by adding section 32707a.

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

Reps. Meisner, Murphy, Alma Smith, Kathleen Law, Gillard, Leland, Tobocman, Miller, Byrum, Gonzales, Donigan, Vagnozzi, Cushingberry, Brandenburg, Lemmons, Jr., Hopgood, Gaffney, Stewart and Nofs introduced

House Bill No. 5370, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30102, 30301, and 30304 (MCL 324.30101, 324.30102, 324.30301, and 324.30304), section 30101 as amended by 1999 PA 106, section 30102 as added by 1995 PA 59, section 30301 as amended by 2003 PA 14, and section 30304 as amended by 2004 PA 325, and by adding sections 30102a, 30104a, 30104b, 30304a, and 30304b.

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

Reps. Kathleen Law, Anderson, Murphy, Alma Smith, Gillard, Tobocman, Byrum, Gonzales, Donigan, Vagnozzi, Leland, Cushingberry, Brandenburg, Miller, Lemmons, Jr., Hopgood, Stewart and Nofs introduced

House Bill No. 5371, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701, 32702, 32705, 32706, 32707, 32708, 32709, 32710, 32711, 32712, and 32713 (MCL 324.32701, 324.32702, 324.32705, 324.32706, 324.32707, 324.32708, 324.32709, 324.32710, 324.32711, 324.32712, and 324.32713), sections 32701, 32705, 32707, and 32708 as amended by 2003 PA 148, sections 32702, 32709, 32710, 32711, and 32713 as added by 1995 PA 59, and sections 32706 and 32712 as amended by 1996 PA 434, and by adding sections 32702a, 32712a, 32712b, 32712c, 32712d, 32712e, 32712f, 32713a, 32715, 32716, and 32717.

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

Reps. Gillard, Sak, Byrnes, Byrum, Miller, Whitmer, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Gleason, Angerer, Alma Smith, Kehrl, Polidori, Gonzales, Farrah, Donigan, Clemente, Vagnozzi, Murphy, Anderson, Leland, Tobocman, Sheltroun, Cushingberry, Lemmons, Jr., Brandenburg, Hopgood, Mayes, Espinoza, McDowell, Gaffney, Stewart, David Law and Lemmons, III introduced

House Bill No. 5372, entitled

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

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

Reps. Mayes, Gillard, Murphy, Anderson, Whitmer, Byrum, Kathleen Law, Meisner, Wojno, Bieda, Bennett, Clack, Gleason, Angerer, Kehrl, Sak, Polidori, Gonzales, Donigan, Leland, Tobocman, Lemmons, Jr., Clemente, Vagnozzi, Sheltroun, Brandenburg, Miller, Byrnes, Hopgood, Espinoza, McDowell, Gaffney, Stewart, David Law, Kooiman, Nofs, Farhat and Lemmons, III introduced

House Bill No. 5373, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32703 (MCL 324.32703), as added by 1995 PA 59.

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

Rep. Van Regenmorter introduced

House Bill No. 5374, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507, 508, 517, 518, 542, 549a, 549g, 803, 8134, and 8135 (MCL 600.507, 600.508, 600.517, 600.518, 600.542, 600.549a, 600.549g, 600.803, 600.8134, and 600.8135), section 507 as amended by 2001 PA 252, sections 508 and 8134 as amended by 2001 PA 253, sections 517 and 803 as amended by 2002 PA 715, section 518 as amended by 2001 PA 256, section 542 as amended by 1984 PA 95, section 549g as added by 1981 PA 182, and section 8135 as amended by 1982 PA 161.

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

Reps. Newell, Meyer, David Law, Accavitti, Nofs, Wojno, Condino, Lipsey, Adamini, Whitmer, Stakoe, Elsenheimer, Rocca, Schuitmaker, Jones, Gaffney, Pearce and Caswell introduced

House Bill No. 5375, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16185. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Palmer, Moore, Vander Veen, Ball, Gosselin, Rocca, Hoogendyk, Baxter, Garfield, Casperson, Amos, Brandenburg, Pastor, Stahl, Kahn, Sheen and Wenke introduced

House Bill No. 5376, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 1111.

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

Rep. Cushingberry asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 5169, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 323c (MCL 257.319 and 257.323c), as amended by 2004 PA 362.

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

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

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

The motion prevailed.

House Bill No. 5043, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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. Schuitmaker moved to amend the bill as follows:

1. Amend page 2, line 14, after "TELEPHONE." by inserting "**THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO OWNS THE ELECTRONIC MEDIUM OF COMMUNICATION UNLESS THE ELECTRONIC MEDIUM OF COMMUNICATION IS BEING USED BY AN INDIVIDUAL TO REPORT A CRIME, TO REPORT THE ILLNESS OF OR INJURY TO ANY PERSON, OR TO REPORT DOMESTIC VIOLENCE AS THAT TERM IS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.**"

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

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

The motion prevailed.

House Bill No. 5044, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

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

The motion prevailed.

House Bill No. 5293, entitled

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

The bill was read a second time.

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

The motion prevailed.

Rep. Ward moved that Rep. DeRoche be excused temporarily from today's session.

The motion prevailed.

Rep. Sak moved that Rep. McConico be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4606, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

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

Roll Call No. 537**Yeas—107**

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

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. 5245, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1445 (MCL 600.1445).

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

Roll Call No. 538**Yeas—104**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Angerer	Gaffney	Lipse	Schuitmaker
Ball	Garfield	Marleau	Shaffer
Baxter	Gillard	Mayer	Sheen
Bennett	Gleason	McDowell	Sheltrown
Bieda	Gonzales	Meisner	Smith, Alma

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

Nays—3

Adamini	Anderson	Taub
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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. 5247, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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

Roll Call No. 539**Yeas—106**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipse	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayer	Sheen
Ball	Gillard	McDowell	Sheltrown
Baxter	Gleason	Meisner	Smith, Alma
Bennett	Gonzales	Meyer	Smith, Virgil
Bieda	Gosselin	Miller	Spade
Booher	Green	Moolenaar	Stahl
Brandenburg	Hansen	Moore	Stakoe
Brown	Hildenbrand	Mortimer	Steil
Byrnes	Hood	Murphy	Stewart
Byrum	Hoogendyk	Newell	Tobocman
Casperson	Hopgood	Nitz	Vagnozzi

Caswell	Huizenga	Nofs	Van Regenmorter
Caul	Hummel	Palmer	Vander Veen
Cheeks	Hune	Palsrok	Walker
Clack	Hunter	Pastor	Ward
Clemente	Jones	Pavlov	Waters
Condino	Kahn	Pearce	Wenke
Cushingberry	Kolb	Phillips	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

Nays—1

Taub

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. 5248, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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

Roll Call No. 540**Yeas—106**

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

Cushingberry	Kolb	Phillips	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen		

Nays—1

Taub

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.

Senate Bill No. 365, entitled

A bill to amend 1968 PA 173, entitled “An act naming certain state buildings,” by amending section 1 (MCL 19.131), as amended by 1999 PA 11.

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

Roll Call No. 541**Yeas—107**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Speaker laid before the House
Senate Concurrent Resolution No. 15.

A concurrent resolution to reappoint Thomas H. McTavish, C.P.A., as Auditor General.
 (For text of concurrent resolution, see House Journal No. 27, p. 389.)

(The concurrent resolution was reported by the Committee on Government Operations on October 18, consideration of which, under the rules, was postponed until October 19.)

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 542**Yeas—107**

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

Nays—0

In The Chair: Kooiman

Messages from the Senate

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

The Senate has substituted (S-2) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-2) and amended the title to read as follows:

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2005 PA 118.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) to the House substitute (H-1) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 543

Yeas—60

Acciavatti	Gosselin	McConico	Rocca
Amos	Green	Meyer	Schuitmaker
Ball	Hansen	Moolenaar	Shaffer
Baxter	Hildenbrand	Moore	Sheen
Booher	Hoogendyk	Mortimer	Spade
Brandenburg	Huizenga	Newell	Stahl
Casperson	Hummel	Nitz	Stakoe
Caswell	Hune	Nofs	Steil
Caul	Hunter	Palmer	Stewart
Drolet	Jones	Palsrok	Taub
Elsenheimer	Kahn	Pastor	Van Regenmorter
Emmons	Kooiman	Pavlov	Vander Veen
Farhat	LaJoy	Pearce	Walker
Gaffney	Law, David	Proos	Ward
Garfield	Marleau	Robertson	Wenke

Nays—48

Accavitti	Condino	Law, Kathleen	Polidori
Adamini	Cushingberry	Leland	Sak
Anderson	Dillon	Lemmons, III	Sheltrown
Angerer	Donigan	Lemmons, Jr.	Smith, Alma
Bennett	Espinoza	Lipsev	Smith, Virgil
Bieda	Farrah	Mayes	Tobocman
Brown	Gillard	McDowell	Vagnozzi
Byrnes	Gleason	Meisner	Waters
Byrum	Gonzales	Miller	Whitmer

Cheeks	Hood	Murphy	Williams
Clack	Hopgood	Phillips	Wojno
Clemente	Kolb	Plakas	Zelenko

In The Chair: Kooiman

The House agreed to the title as amended.

Rep. Sheltroun, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against this bill because it does nothing but help big box companies, one of which is the largest retailer in the world and does nothing to help business like Griffin Bev. or West Branch Bld Ctr. It just creates unfair competition and allows them breaks that small town employers don't have.”

Rep. Clack, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

It is imperative that we respect the right of Michigan workers to have an opportunity to have a good paying job to provide for their families.”

Reps. Hood and Kathleen Law, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I opposed Senate Bill 175 because I have serious reservations about using scarce state resources to reward irresponsible corporate citizens, like Wal-Mart. Study after study shows that for every job Wal-Mart creates, three jobs are lost. Irresponsible corporations have a national strategy of shifting their cost of doing business to taxpayers. We should not reward this type of behavior.

There are better alternatives pending before this legislative body. We should act to pass the one billion dollar job creation package, which continues to languish on our House calendar.”

Rep. Cushingberry, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

Michigan's economy is very sensitive to the National economy. Record deficits, gas prices, and an ill-advised conflagration or so - called war are the albatrosses which are dragging down the economy - nothing that the State leaders have completed or omitted. Anytime gas prices reach the current levels the domestic auto industry faces tough times. Simply review a graph which correlates domestic auto sales with gas prices and you will see an exodus of employment and State revenue in Michigan when prices are high. Further, Japanese currency manipulation and unfair trade practices continue to give a unfair advantage to the foreign auto industry. Our national reticence to provide for a all comers health insurance policy for all Americans further exacerbates the competitive disadvantage we suffer in Michigan.

The major component of the increase cost of State Government is Medicaid. The companies who benefit from this over broad relief associated with this bill are continuously adding to our need to increase Medicaid funding. Therefore in addition to any so-called 'jobs' growth we incur additional Medicaid costs for the minimum wage jobs created. This means we may lose, lose, lose!

Traditional economic theory prior to adoption of monetarist thinking allowed for war spending to be good for the national well-being. Today the advanced thinking holds every expenditure should have a positive impact on the multiplier. The war in Iraq as eloquently espoused by U.S. Senator Robert Byrd (ranking Democrat on the Senate Appropriations Committee) is draining dollars from needed domestic infrastructure for dubious reasons and is this generations 'Vietnam.' If there was a new oil spigot, Bin Laden was captured in Iraq, trade increases which brought to the U.S. additional dollars, then there might be some value to this millstone to the economy.

Tax cuts for the rich, export of jobs which provide livable wages, cuts to infrastructure and education are what the other side of the aisle needs to focus there attention by demanding there National leadership step up to the plate and deliver.

We need real national health care that includes the 45 million Americans who have no coverage.

We need leadership which admits we must end the carnage in Iraq where more than 2000 of our valiant young people have died and 20,000 have been maimed.

A National and State repeal of tax cuts which benefit the wealthiest most, needs immediate adoption.

As one of the co-sponsors of the Governors jobs package which is targeted to well paying jobs of the future, we will not tax break our way out of the current National economic malaise. All State economies are faring poorly right now if you look under the headlines.

Our State put the world on wheels and ushered in both the industrial and information-tech economies. We have more, therefore we lose more under such negative conditions.

We could do more with a concerted effort to promote the sell of General Motors and Ford vehicles and for a return of Clinton era gas prices.”

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. Lemmons, III, Lemmons, Jr., Gillard, Lipsey, Alma Smith, Accavitti, Farrah, Leland, Miller, Zelenko, Bennett, Cheeks, Gonzales, McConico and Cushingberry offered the following resolution:

House Resolution No. 145.

A resolution to memorialize the United States Congress to fully respect the sovereignty of Venezuela.

Whereas, Venezuelan President Hugo Chavez Frias won landslide presidential elections in 1998 and 2000 with 58 percent and 59 percent of the popular vote, respectively. These electoral victories signaled the end of a 500-year-old colonial caste system in which an oligarchy of the socially, politically, and economically advantaged exploited the majority population; and

Whereas, President Chavez Frias’ proposal to rewrite the nation’s constitution was approved by 92 percent of the electorate in 1999. This awe-inspiring political victory was followed by another national election in which pro-Chavez Frias candidates garnered 95 percent of the seats in the Constituent Assembly. President Chavez Frias’ overwhelming popularity was demonstrated again in July 2000, when 68 percent of the electorate approved the new constitution; and

Whereas, All democratic countries must abjure any state-sponsored activities to destabilize Venezuela’s economy and/or national sovereignty. Further, all public and private American-based entities are conjoined for the sake of international social order and domestic tranquility to vigorously oppose the unconscionable low-intensity war that is being waged against the people and national sovereignty of Venezuela since the inception of the Chavez Frias administration; and

Whereas, The full influence of the United States Congress must be brought to bear to constrain the International Monetary Fund and the World Bank from instituting policies that endanger Venezuelan sovereignty; and

Whereas, The immense popular support for President Chavez Frias gives his legitimately elected government the mandate to implement sweeping economic and social changes. This vast support was validated by The Carter Center, the Organization of American States, and other international organizations that have overseen seven Venezuelan national elections, and have given qualified certification to Venezuela’s National Electoral Council, which administers elections; and

Whereas, President Chavez Frias is the embodiment of the hopes, dreams, and aspirations of Venezuela’s historically disenfranchised majority, who desperately yearn for equitable land distribution and social and economic justice. Moreover, President Chavez Frias is spearheading governmental efforts to institute free and universal health care and education; and

Whereas, In 2004, the Chavez Frias administration spent more than \$4 billion in social programs. This commitment to social justice has endeared this visionary leader to the traditionally neglected populace. Further, the government operates *Mision Mercal*, a chain of government-run supermarkets that provide high quality food to the general public

at half the usual cost. This program is so successful that it is the second largest government-operated business behind the oil industry; and

Whereas, Historically, President Chavez Frias is the rare champion of the people who fearlessly challenges the existing social and economic order to usher in an era of broad-based reforms that are unprecedented in character. Under President Chavez Frias, at least 100,000 landless peasant families have been uplifted to the class of property holders; and

Whereas, President Chavez Frias displays enormous personal integrity by forging mutually beneficial alliances with progressive nations such as Cuba to internationalize the social and economic justice movement. *Mision Barrio Adentro*, the universal health care initiative, is supported by more than 20,000 Cuban medics, involving more than 185 million consultations, and saving 25,000 lives; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to fully respect the sovereignty of Venezuela; 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, the members of the Michigan congressional delegation, and the Ambassador of the Bolivarian Republic of Venezuela in the United States of America.

The resolution was referred to the Committee on Government Operations.

Reps. Lemmons, III, Lemmons, Jr., Gillard, Lipsey, Accavitti, Farrah, Leland, Miller, Zelenko, Bennett, Cheeks, Gonzales, McConico and Cushingberry offered the following resolution:

House Resolution No. 146.

A resolution to memorialize the United States Congress to take steps to deport and extradite the mega-terrorist Luis Posada Carriles to the Bolivarian Republic of Venezuela.

Whereas, In concert with America's pre-eminent leadership position in the global fight against terrorism, every reasonable effort should be made by all United States governmental entities to respect international law regarding extradition of convicted terrorists; and

Whereas, Abu Ghraib abuses, Guantanamo Bay military prison violations, and other recent maltreatments have seriously undermined America's stated commitment to combat terrorism. These almost routine excesses have drawn worldwide attention to the huge variance between America's official anti-terrorist position and the apparent utilization of torture and degradation by military police and prisoner interrogators; and

Whereas, To restore American credibility as the champion of human rights, the federal government must take the moral high ground in the Luis Posada Carriles extradition case by adhering to the United States-Venezuela extradition treaty; and

Whereas, Seventy-seven-year-old Posada Carriles was convicted of bombing a Cuban civilian airliner in 1976, killing all 74 people onboard. President Hugo Chavez Frias of the Bolivarian Republic of Venezuela and President Fidel Castro of the Republic of Cuba have designated Posada Carriles the top terrorist in the Americas. In fact, Posada Carriles is a vehement anti-Castro militant, whom President Castro publicly accused of leading a plot to assassinate the Cuban leader in Panama in 2000. The Panamanians arrested Posada Carriles carrying 33 pounds of C-4 explosives. Further, Castro publicly accused Posada Carriles of masterminding a Cuban hotel and nightclub bombing that killed an Italian tourist in 1997. Posada Carriles, in addition, is believed to have actively participated in the murder and bombing of scores of leftists in South and Central America for the past 40 years; and

Whereas, Posada Carriles has a long-standing relationship with the United States Central Intelligence Agency. A host of Federal Bureau of Investigation documents confirm that this icon of terror is a prolific murderer. Posada Carriles has also earned the dubious title of narco-terrorist for the large amount of cocaine that he has imported into the United States; and

Whereas, At a June 17, 2005 meeting, Ricardo Gutierrez, Vice President of the Venezuelan National Assembly, and United States Representatives Dan Burton (R-Indiana), William Delahunt (D-Massachusetts), and Dennis Kucinich (D-Ohio), all agreed that the United States should extradite Posada Carriles to Venezuela; and

Whereas, Posada Carriles was an active participant in the Iran-Contra arms-for-hostages deal in the mid-1980s. He also had ties with the Fascist junta of Chilean President Augusto Pinochet. Clearly, granting this monster asylum in the United States is a blatant violation of this country's zero tolerance for terrorism policy; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to take steps to deport and extradite the mega-terrorist Luis Posada Carriles to the Bolivarian Republic of Venezuela; 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, the members of the Michigan congressional delegation, and the Ambassador of the Bolivarian Republic of Venezuela in the United States of America.

The resolution was referred to the Committee on Government Operations.

Reps. Gleason, Zelenko, Meisner, Virgil Smith, Spade, Polidori, Bieda, Lemmons, Jr., Sak, Byrnes, Brown, Adamini, McDowell, Sheltroun, Kathleen Law, Gonzales, Alma Smith, Gillard, Clemente, Murphy, Anderson, Leland, Cushingberry, Marleau, Hune, Gaffney, Bennett, Donigan, Vagnozzi, Miller, Lemmons, III, Wojno, Accavitti, Kolb, Cheeks, Hood, Lipsey, Farrah, Mayes, Espinoza, Hunter, Kooiman, Shaffer, Stahl, Ball, Condino, Hopgood, Plakas, Waters, Clack, McConico, Green and Jones offered the following resolution:

House Resolution No. 147.

A resolution designating October 2005 as Reflex Sympathetic Dystrophy Syndrome Awareness Month in the state of Michigan.

Whereas, Reflex Sympathetic Dystrophy Syndrome (RSDS) is a debilitating and progressively chronic condition characterized by severe burning pain, pathological changes in bone and skin, excessive sweating, tissue swelling, and extreme sensitivity to touch; and

Whereas, While RSDS is thought to be a nerve disorder that generally occurs at the site of a minor or major trauma injury, it may also occur without an apparent injury to the afflicted person; and

Whereas, The causes of RSDS are unknown, the syndrome is thought to be the result of a malfunction of the sympathetic nervous system. RSDS is often misdiagnosed because this condition is either unknown or is poorly understood. The disorder is unique in that it simultaneously affects the nerves, skin, muscles, blood vessels, and bones; and

Whereas, The prognosis for patients suffering from RSDS is generally much better when the condition is identified and treated as early as possible, ideally within three months of the onset of the first symptoms; and

Whereas, If treatment is delayed, the disorder can quickly lead to changes in bone and muscle and may become irreversible, resulting in limited mobility, atrophy of the muscles, and eventual disability and unemployment of patients; and

Whereas, A delay in diagnosis or treatment for this syndrome can result in severe physical and physiological problems, and early recognition and prompt treatment of RSDS provide the greatest opportunity for recovery; and

Whereas, In the best interest of the state to establish a program to educate both individuals and medical professionals regarding this debilitating disease and to promote research to accurately identify, diagnose, and treat this disease; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body declare October 2005 as RSDS Awareness Month in the state of Michigan to raise public awareness of, and to educate consumers, health professionals, teachers, and human services providers about the causes and nature of RSDS. We hope to inform everyone of the personal risk factors, the value of early detections and prompt treatment, and options for diagnosing and treating the disease.

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. Cheeks, Adamini, Anderson, Byrnes, Farhat, Gillard, Gleason, Kooiman, Lemmons, Jr., Lipsey, Mayes, McDowell, Meisner, Proos, Rocca, Sak, Shaffer, Alma Smith, Stahl, Vagnozzi, Accavitti, Ball, Brown, Condino, Espinoza, Farrah, Hopgood, Leland, Lemmons, III, Miller, Mortimer, Palmer, Pastor, Plakas, Vander Veen, Waters, Wojno, Zelenko, Bennett, Bieda, Clack, Gonzales, Huizenga, McConico, Taub, Angerer, Baxter, Byrum, Cushingberry, Elsenheimer, Emmons, Green, Hansen, Hood, Jones, LaJoy, Nitz, Pearce, Phillips, Polidori and Spade offered the following resolution:

House Resolution No. 148.

A resolution honoring the life of Mrs. Rosa Parks.

Whereas, Mrs. Parks was a respected and revered icon of the struggle for civil and human rights. With a famous act of civil disobedience, she proved to be the catalyst for the Montgomery Bus Boycott. Along with the Rev. Martin Luther King, Jr., she sparked a transformation of American society. Mrs. Parks sat down so that we could stand up. Fifty years ago this year, her refusal to give up her seat on that Montgomery, Alabama bus helped begin the process of delivering our nation from the abomination of Jim Crow segregation; and

Whereas, Mrs. Parks was an active citizen of the state of Michigan and the city of Detroit for nearly fifty years. As a long time resident of Michigan's 6th district, Mrs. Parks dedicated her life to improving the lives of others. She worked to help represent Michigan citizens in the office of U.S. Representative John Conyers for over 20 years. She was active in her community, particularly in helping our people to aim high and achieve their potential; and

Whereas, Through her trials and triumphs, Mrs. Parks has been a true example of a strong, loving, and compassionate woman. Her quiet strength has been recognized worldwide; and

Whereas, Mrs. Parks devoted herself to the Raymond and Rosa Parks Institute for Self Development. This institute, incorporated in 1987, helps lead the fight for learning, substance abuse prevention, and the development of leadership in American youth, with centers located in both Michigan and California. For more than fifteen years, the institute has been instrumental in changing and improving the lives of young people in Michigan and across the country. Her goal to provide limitless opportunities for youth has been realized through her works; and

Whereas, Congress, in 2000, secured an appropriation to support the important work of the Raymond and Rosa Parks Institute; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life of Mrs. Rosa Parks. We remember this great Michigan citizen as an example of the power of each individual to change the course of events in his or her community and the world for the better, and be it further

Resolved, That a copy of this resolution be transmitted to the Parks family and the Raymond and Rosa Parks Institute as a token of our esteem. May her legacy live on forever.

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

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

House Bill No. 5091, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 437.

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

Nays: None

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

House Bill No. 5204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.

With the recommendation that the substitute (H-2) 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, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett

Nays: None

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

House Bill No. 5205, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4z.

With the recommendation that the substitute (H-2) 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, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett

Nays: None

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

House Bill No. 5206, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d. With the recommendation that the substitute (H-4) 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, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett

Nays: None

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

House Bill No. 5207, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35e. With the recommendation that the substitute (H-2) 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, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett

Nays: None

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

House Bill No. 5209, entitled

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending section 21 (MCL 399.721), as amended by 2002 PA 508.

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, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner 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, October 26, 2005

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

Rep. Dillon moved that the House adjourn.
The motion prevailed, the time being 4:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 27, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives