

**No. 33**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Thursday, April 22, 2004.

10:00 a.m.

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

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

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

e/d/s = entered during session

Rep. Gene DeRossett, from the 52nd District, offered the following invocation:

“The American Dream For We the People. There are those who want to change the American Dream. They want you to accept that only Government has a plan, that only Government can decide your destiny through its imagination.

It is now time to put an end to their illusions. It is now time to return our fate into our hands, the hands that built this country, the hands created by our ancestors who risked their lives and sacrificed so that we could prosper in a stronger nation.

Do not let the efforts of our mothers be forgotten. Do not let the visions of our fathers be ignored. And never forsake the memory of our veterans who shed their blood on foreign soil so we could have a future in a land that is free.

We are the phenomena of the world. The treasure of history. I say we achieved this greatness through the will and diversity of all the people. Not the Government.

The American dream is for all of us to pursue. The only limitations we have are those we place upon ourselves. Let only God show us a better way. Amen.”

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Rep. Waters moved that Reps. Gleason, Hardman and Smith be excused from today’s session.  
The motion prevailed.

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

### Notices

Rep. Bisbee, 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. 255-261. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 255-257 and 259 and ‘nay’ on Roll Call Nos. 258, 260 and 261.”

Rep. DeRossett, 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. 255-261. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 255-257 and 259 and ‘nay’ on Roll Call Nos. 258, 260 and 261.”

By unanimous consent the House returned to the order of

### Second Reading of Bills

#### House Bill No. 5426, entitled

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

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

The substitute (H-1) 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.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5426, entitled

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

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

**Roll Call No. 262****Yeas—98**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5463, entitled**

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

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

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

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 1, line 2, after "**2004**" by inserting "**and before January 1, 2010**".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5463, entitled**

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

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

**Roll Call No. 263**

**Yeas—102**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 5501, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

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

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 1, line 2, after "**2004**" by inserting "**and before January 1, 2010**".

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5501, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269.

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

**Roll Call No. 264**

**Yeas—102**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5653, entitled

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

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

The substitute (H-1) 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.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5653, entitled

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

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

#### Roll Call No. 265

#### Yeas—102

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

#### Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5225, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 5a (MCL 52.205a).

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5225, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,” by amending section 5a (MCL 52.205a).

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

#### Roll Call No. 266

#### Yeas—102

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

Gaffney  
Garfield

Meisner  
Meyer

Shaffer

Zelenko

### Nays—0

In The Chair: Julian

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

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Rep. Richardville 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

Rep. Richardville moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.  
The motion prevailed, 3/5 of the members present voting therefor.

Reps. Minore, Zelenko, Clack, Robertson, Gleason, Bieda, Adamini, Farrah, O'Neil, Brown, Whitmer, Accavitti, Anderson, Byrum, Caswell, Condino, Dennis, DeRossett, Ehardt, Gaffney, Garfield, Gillard, Hopgood, Howell, Jannick, Koetje, LaSata, Law, Lipsey, Meyer, Murphy, Pappageorge, Phillips, Plakas, Rivet, Sak, Shaffer, Sheltroun, Shulman, Spade, Stewart, Tobocman, Vagnozzi, Waters and Kolb offered the following resolution:

#### **House Resolution No. 239.**

A resolution commemorating Saturday, May 1, 2004, as Law Day in the state of Michigan.

Whereas, It is with deep appreciation for all the hard work, dedication, and commitment from the attorneys of the State Bar of Michigan and the Genesee County Bar Association that we give the highest accolades in celebrating Law Day on May 1, 2004; and

Whereas, Law Day is a celebration of our great heritage of liberty, justice, and equality under the law, serving to educate the community about the rule of law and its role in preserving our freedoms; and

Whereas, This is best represented by the Supreme Court case of *Brown v. Board of Education*, whose 50<sup>th</sup> anniversary takes place on May 17, 2004. This landmark decision propelled the nation's march towards equality. It inspired and gave heart to the civil rights movement. This case ushered in an unprecedented era of progress that is a testament to the legal system's ability to establish and protect our rights. The hard work and dedication provided by attorneys was instrumental in ending legally imposed segregation in the schools, parks, libraries, and all other public institutions; and

Whereas, The hard work of the dedicated lawyers in such cases as *Brown v. Board of Education*, and in hundreds of other milestone cases, demonstrates the highest standards of advocacy in the service of a great cause; and

Whereas, Bar Association members across the state of Michigan and Genesee County celebrate Law Day every May 1 in order to educate the community about the rule of law and its role in preserving our freedoms as well as helping to raise visibility of Law Day and all that it celebrates; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 1, 2004, as Law Day in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the attorneys at the State Bar Association of Michigan and the Genesee County Bar Association.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.



### Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Hager, Chair, reported

**House Bill No. 5589, entitled**

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

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, April 21, 2004

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

The Committee on Employment Relations, Training and Safety, by Rep. Drolet, Chair, reported

**House Bill No. 5599, entitled**

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476).

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 1, line 1, after "Sec. 6." by inserting "(1)".

2. Amend page 2, following line 18, by inserting:

**"(2) An employer that pays wages to an employee under subsection (1)(c) shall provide the statement required under section 9(2) in writing if requested by the employee."**

The bill and amendments were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Drolet, Middaugh, Pappageorge, Huizenga, LaJoy and Van Regenmorter

Nays: Reps. Minore, Dennis and Bieda

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Drolet, Chair, of the Committee on Employment Relations, Training and Safety, was received and read:

Meeting held on: Wednesday, April 21, 2004

Present: Reps. Drolet, Middaugh, Pappageorge, Huizenga, LaJoy, Van Regenmorter, Minore, Dennis and Bieda

The Committee on Transportation, by Rep. DeRossett, Chair, reported

**House Bill No. 5066, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803e (MCL 257.803e), as amended by 1998 PA 68.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. DeRossett, Hummel, DeRoche, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jammick, Tobocman, Adamini and Elkins

Nays: None

The Committee on Transportation, by Rep. DeRossett, Chair, reported

**House Bill No. 5487, entitled**

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

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. DeRossett, Hummel, DeRoche, Hune, Huizenga, LaJoy, Robertson, Anderson, Jammick, Tobocman, Adamini and Elkins

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 22, 2004

Present: Reps. DeRossett, Hummel, DeRoche, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jammick, Tobocman, Adamini and Elkins

Absent: Reps. Casperson, Gleason and Murphy

Excused: Reps. Casperson, Gleason and Murphy

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Woronchak, Chair, of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, April 22, 2004

Present: Reps. Woronchak, Pappageorge, Vander Veen, Vagnozzi and Zelenko

Absent: Reps. Mortimer, Rocca, Tabor and Stallworth

Excused: Reps. Mortimer, Rocca, Tabor and Stallworth

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, April 22:

**House Bill Nos. 5777 5778 5779 5780 5781 5782 5783 5784 5785 5786 5787 5788 5789 5790**  
**5791 5792 5793 5794 5795 5796**

The Clerk announced that the following Senate bills had been received on Thursday, April 22:

**Senate Bill Nos. 591 869 979 981 982 985 987 988 1076 1079 1116**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 4927, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding sections 217o and 217p.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811o.

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

#### **Senate Bill No. 653, entitled**

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 20129a (MCL 324.20129a), as amended by 1999 PA 30, and by adding section 3122a.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 1, line 3, after "shall" by striking out the balance of the section and inserting "**credit in the next fiscal year each permittee who paid a groundwater discharge permit fee a proportional amount of the fees collected in excess of \$2,000,000.00. However, if a permit is no longer required by the permittee in the next fiscal year, the department shall do the following:**

**(a) If the credited amount is \$50.00 or more, the department shall provide a refund to the permittee for the credited amount.**

**(b) If the credited amount is less than \$50.00, the department shall provide a credit to the permittee for an annual groundwater discharge permit fee that may be required in a subsequent year."**

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

#### **Senate Bill No. 591, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109h.

The Senate has passed the bill.

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

#### **Senate Bill No. 869, 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 11 (MCL 207.561), as amended by 2001 PA 157.

The Senate has passed the bill.

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

**Senate Bill No. 979, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 53 (MCL 257.1853), as amended by 2002 PA 647.

The Senate has passed the bill.

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

**Senate Bill No. 981, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675 (MCL 257.675), as amended by 2002 PA 618.

The Senate has passed the bill.

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

**Senate Bill No. 982, entitled**

A bill to amend 1966 PA 298, entitled "An act to establish and provide a board of civil service commissioners for sheriffs' departments in certain counties; to provide a civil service system based upon examination and investigation as to merit, efficiency and fitness for appointment, employment and promotion of all officers and men or women appointed in the departments; to regulate the transfer, reinstatement, suspension and discharge of said officers; to provide for referendums; and to prescribe penalties and provide remedies," by amending section 10 (MCL 51.360).

The Senate has passed the bill.

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

**Senate Bill No. 985, entitled**

A bill to amend 1935 PA 78, entitled "An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 10 (MCL 38.510), as amended by 1986 PA 155.

The Senate has passed the bill.

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

**Senate Bill No. 987, entitled**

A bill to amend 1974 PA 369, entitled "An act to regulate the business of conducting a driver training school; to require licenses in relation thereto; to prescribe certain fees; to prescribe the powers and duties of certain persons and state departments; and to prescribe remedies and penalties," by amending section 5 (MCL 256.605), as amended by 2000 PA 285.

The Senate has passed the bill.

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

**Senate Bill No. 988, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 805a, 806b, and 810 (MCL 339.805a, 339.806b, and 339.810), sections 805a and 810 as amended and section 806b as added by 1995 PA 217, and by adding section 806e.

The Senate has passed the bill.

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

**Senate Bill No. 1076, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 204 (MCL 330.1204), as amended by 1995 PA 290.

The Senate has passed the bill.

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

**Senate Bill No. 1079, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 232a (MCL 330.1232a), as amended by 2002 PA 597.

The Senate has passed the bill.

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

**Senate Bill No. 1116, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

The Senate has passed the bill.

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

### Introduction of Bills

Reps. Smith and Hood introduced

**House Bill No. 5797, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 224 and 227 (MCL 750.224 and 750.227), section 224 as amended by 1991 PA 33 and section 227 as amended by 1986 PA 8.

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

Reps. Rivet, Middaugh, Bradstreet, McConico, Murphy, Hopgood, Woodward, Casperson, Stahl, Garfield, Bisbee, DeRoche, Hune, Plakas, Palsrok, Howell, O'Neil, Sak, Accavitti, Farrah, Huizenga, Nitz, LaJoy and Sheltrown introduced

**House Bill No. 5798, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 527a (MCL 206.527a), as amended by 2001 PA 169.

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

Reps. Brown, Shackleton, Adamini, Palsrok, Casperson, Spade, Milosch, Caswell and Stahl introduced

**House Bill No. 5799, entitled**

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 1993 PA 149.

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

Reps. Shackleton, Brown, Milosch, Palsrok, Walker, Casperson, Ward and Stahl introduced

**House Bill No. 5800, 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, critical 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 10 (MCL 247.660), as amended by 2003 PA 151.

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

Reps. Shackleton, Brown, Milosch, Walker, Sak, Caspersen and Ward introduced

**House Bill No. 5801, entitled**

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by amending section 12 (MCL 254.322), as amended by 2003 PA 176.

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

Rep. DeRossett introduced

**House Bill No. 5802, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 8a, 65, 204a, 208, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320a, 321a, 323c, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320a, 257.321a, 257.323c, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, section 65 as amended by 1994 PA 449, section 204a as amended by 1999 PA 73, section 208 as amended by 1997 PA 100, sections 303, 310e, and 319 as amended by 2003 PA 61, sections 306, 309, 312f, 319b, 319c, 323c, 732, and 904 as amended by 2002 PA 534, section 307 as amended by 2004 PA 52, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320a as amended by 2003 PA 315, and section 321a as amended by 2002 PA 741; 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. Middaugh, Woodward, Hummel, Hunter, Vander Veen, Kooiman, Garfield, Mortimer, Ehardt, Julian, O'Neil, Sheen, Shaffer and Stakoe introduced

**House Bill No. 5803, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 21A. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Gielegem, Tobocman, Sak and Bieda introduced

**House Bill No. 5804, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 229.

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

Reps. Gielegem, Bieda, Nofs, Garfield, Gaffney, Ward, Brandenburg, Sak, Condino, Meisner, Howell, Accavitti, Dennis, O'Neil, Hood, Smith, Anderson, Rocca, Hune, Plakas, Adamini, Lipsey, Gleason, Gillard, Elkins, Richardville and Acciavatti introduced

**House Bill No. 5805, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 539a and 539g (MCL 750.539a and 750.539g), section 539g as amended by 1993 PA 227, and by adding section 539j.

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

Reps. Woodward, Vagnozzi, Condino, Meisner, Tobocman, Phillips, Bradstreet, Garfield, Nofs, Pappageorge, Ruth Johnson, Stakoe and Shulman introduced

**House Bill No. 5806, entitled**

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," (MCL 45.551 to 45.573) by adding section 6b.

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

Reps. McConico and Bradstreet introduced

**House Bill No. 5807, entitled**

A bill to amend 1923 PA 238, entitled "An act authorizing the formation of corporations for the purpose of generating, manufacturing, producing, gathering, storing, transmitting, distributing, transforming, selling and supplying electric energy or gas, either artificial or natural, or both electric energy and gas, to the public generally, or to public utilities or natural gas companies, and providing for and giving to such corporations and also to corporations heretofore lawfully organized, among other things, for such purposes; to corporations heretofore lawfully organized, or that may hereafter be lawfully organized and duly authorized to carry on the electric or gas business as a public utility in the state of Michigan; and to foreign corporations heretofore lawfully organized or that may hereafter be lawfully organized, among other things, for such purposes, and duly authorized to carry on business in the state of Michigan, the right to condemn private property for the uses provided for herein," by amending section 3 (MCL 486.253) and by adding section 5.

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

Reps. Bradstreet and McConico introduced

**House Bill No. 5808, entitled**

A bill to amend 1995 PA 30, entitled "Electric transmission line certification act," by amending sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 15 (MCL 460.562, 460.563, 460.564, 460.565, 460.566, 460.567, 460.568, 460.569, 460.570, 460.571, 460.573, and 460.575).

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

Reps. Palsrok, DeRossett, Bisbee, Drolet, Milosch, Wenke, Palmer, Vander Veen, Mortimer, Shulman, Hoogendyk, Ward, Tabor, Stahl, Sheen, Shackleton, Shaffer, Casperson, Amos, Pastor, Brandenburg, Garfield, Hune, Stakoe, Hummel, Pappageorge, Ehardt, Nofs, Farhat, Emmons, Middaugh, Woronchak, DeRoche, Bradstreet, Hager, Meyer, Kooiman, LaJoy, Walker, Moolenaar, Steil, Richardville, Acciavatti, Gaffney, Pumford, Julian, Newell, Caswell, Rocca, Ruth Johnson, Huizenga, Robertson, Nitz and Hart introduced

**House Bill No. 5809, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

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

Reps. Kooiman, Vander Veen, Sak, Voorhees, Steil, Hart and Huizenga introduced

**House Bill No. 5810, entitled**

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

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

Reps. Huizenga, Vander Veen, Sak, Voorhees, Steil, Hart and Kooiman introduced

**House Bill No. 5811, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 269. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Steil, Vander Veen, Sak, Voorhees, Kooiman, Hart and Huizenga introduced

**House Bill No. 5812, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 39a. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Pastor, Bradstreet, Palmer, LaJoy, Hoogendyk, Wenke, Sheen, Milosch, Stahl, Voorhees, Taub, Tabor, Brandenburg, Amos, DeRoche and Casperson introduced

**House Bill No. 5813, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 6.

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

Reps. Meyer and Sak introduced

**House Bill No. 5814, entitled**

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

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

Reps. Meyer and Sak introduced

**House Bill No. 5815, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 3 and 18 (MCL 125.1653 and 125.1668), section 3 as amended by 1993 PA 323.

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

Reps. Meyer and Sak introduced

**House Bill No. 5816, entitled**

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

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

Rep. Bisbee introduced

**House Bill No. 5817, entitled**

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2003 PA 248.

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

Reps. Hunter, Tobocman, Rivet and McConico introduced

**House Bill No. 5818, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by amending the title, as amended by 1998 PA 150, and by adding section 5k.

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



Reps. Hunter, Tobocman, Smith, Rivet and McConico introduced

**House Bill No. 5819, entitled**

A bill to provide for establishing and administering a program for awarding grants to attract, retain, and expand businesses; to create a fund; and to prescribe powers and duties of certain public and state entities, officers, and agencies.

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

Reps. Lipsey, Bieda, Anderson, Wenke, Wojno and Dennis introduced

**House Bill No. 5820, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 626 (MCL 257.626).

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

Reps. Ehardt, Mortimer, Brandenburg, Sak, Bieda and Vander Veen introduced

**House Bill No. 5821, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5851 (MCL 600.5851), as amended by 1993 PA 283.

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

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Rep. Condino moved that the House adjourn.

The motion prevailed, the time being 12:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, April 27, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

