

**No. 90**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, December 7, 2004.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Michael G. Sak from the 76th District, offered the following invocation:

“Heavenly Father, thank You for the gift of life that You have blessed us with. We are thankful for the opportunities and the resources that You have given us stewardship over, both as individuals and citizens and legislators of this great state of Michigan, as well as citizens of these United States.

Today, Heavenly Father, we pray that You will watch over us and provide us the wisdom to see so clearly so that we may carry out our duties as members of this Chamber. We pray that You bless us with Your strength and courage that we may uphold the covenant we have made with every man, woman and child in Michigan.

We ask that You will give us the clarity to allow us to make laws that are fair and just for all people. Grant us the wisdom to make decisions that will strengthen and make our nation and our state prosperous.

Today, please be with Representative Barbara Farrah and her family on the loss of her father, and a good friend of ours from the Grand Rapids area—the Koistra family, as they mourn the loss of their beloved family members. Please take comfort in knowing that they will continue to live on in the hearts and smiles of all those they touched. Godspeed them home.

Now, Heavenly Father, on behalf of my colleagues of this great Michigan House of Representatives, we ask for Your guidance in our deliberations and duties. May we perform justly, love and with mercy, and walk humbly to the end in which we the people have more perfect and happy existence. In these, we ask in the name of our Lord and Savior, Jesus the true Christ. Amen.”

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Rep. Waters moved that Reps. Elkins and Farrah be excused from today’s session.  
The motion prevailed.

### **Comments and Recommendations**

Rep. Richardville moved that Rule 82 be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the following remarks be printed in the Journal.  
The motion prevailed.

Rep. Pappageorge:

“First I need to thank my staff, Cheryl Donovan, Mary Coscarelli and her replacement when she left, Karen Strickland.

Years ago when I was a special assistant to General Haig, we got to talking about politics and he said, ‘John if you ever become an elected official, understand that the people who get you elected are not necessarily the same set of folks that can help you run the store’.

So I came up here and found the three most competent people I could find. And again, I thank those three ladies for the wonderful help they have given me over the years.

And I would be remiss if I didn’t thank, from the bottom of my heart, my wife and my children for the support they have given me in whatever endeavor I chose to pursue.

There’s another lady I want to thank. You know we come here every day and we carry in all kinds of papers and brief cases and so on, but one lady is also carrying boxes and boxes of cookies for us. For six years, she’s lugged them through rain and snow. Thank you very much, Joanne Voorhees.

I was asked ‘Wasn’t this the best job you’ve ever had?’ and I thought back over my 73 years, and I remembered that between my junior and senior year in high school, I was a lifeguard in a girls’ camp.

I’ve also been asked, ‘Wasn’t it a great deal of difference between the military and the Legislature?’ You know in the Army, you just ordered people to do things and it got done. Well the fact is that’s not what happens in the military. You spend 99.9% of your time convincing people that someday you’re going to ask them to follow you up a hill and they are going to think it’s the right thing to do. And that doesn’t take a majority, that has to be unanimous. So there’s a great deal of similarity in what we do in this Legislature and the military.

The best way to operate is under the notion that there’s no such thing as a good idea until the other guy thinks it’s his. And I’ve tried to do that.

Also, probably more than most, I’ve been concerned with the legislative process. I understand that you can’t get from concept to execution unless there’s a process that walks you there a step at a time.

So when I first got here, my first process issue – separation of powers issue if you will – was that the executive was routinely holding back revenue sharing for whatever other purpose it might be put to use. I stopped that, and we won that argument.

Secondly, the executive thought that he should have more control over the Auditor General. I disagreed and the Legislature was with me, so we won that too.

Finally, you've heard me talk about this so much – JCAR. When people complain to us, they do not complain about laws, they complain about rules. And the Legislature has a responsibility to make sure that after we pass a law, that the rules that are subsequently printed by another department, do not change the intent of the law.

So I'm happy to report to you that this morning, after months and months, the Senate has passed JCAR. It's coming back to us with some good amendments and I hope tomorrow we will pass it, to insure that this House has a proper role and status to play with regard to law making.

And I would hope we would change one thing that I've been arguing for for six years. Folks, when you budget, you don't target on the back end, you target on the front end. I would hope in the future, targeting will occur on the front end and then all of us can participate in the process of making those targets a reality.

Then there's term limits. In January, when the Legislature convenes, 88 out of the 110 members of the Legislature will have been here two years or less. That number is too high. Now I am the only member in the Senate or the House that was an original signatory in the Contract with America. And I am for term limits, but not the kind we have in Michigan.

We need to make term limits cumulative; not make them longer, still keep the total at 14 years, but allow people to decide how they will spend those 14 years. The leadership continuity problem that people worry about will go away, because if you want to be a leader, you won't jump to the other House. You will stay in the House you're in.

Also, we have to be on guard to eliminate things in the system that invite inequities or downright corruption. That's why I hope in the next session you will pass a bill that says every at-will employee will be under the same standards as elected officials. Right now, a lobbyist can spend about \$42 on a legislator but send his or her staff to Paris for lunch.

And finally, paying for superintendents of ISD's that are not controlled by elected officials. We should set their pay just the way we do for all kinds of other people. The pay for an ISD superintendent should be no higher than Tom Watkin's pay, as Superintendent of Michigan.

So I hope somebody or a lot of people here will take up the cudgel and pay a lot more attention to the process as you proceed through the next session.

And my advice for those of you who are coming back, and for new members is, be honest, keep your word and don't vote yellow, unless you are.

Thank you."

Rep. Daniels:

"Thank you, Mr. Speaker and Members:

Let me start off by thanking the citizens of District 2 for the honor and privilege of representing them for the past six years in the Michigan House of Representatives. Very few people ever get the opportunity to serve their constituents and the State in this capacity. This has been a great experience, and I shall be forever grateful.

Six years ago I came to Lansing eager and determined to initiate change, change in the way we educate our children, change in the way we deliver health services and change in the way Insurance companies set their rates.

I came here convinced that I could accomplish my goals rather quickly, but after six years I quickly found out that it would take much longer. There are 110 agendas in this chamber and nothing moves quick, especially when you're in the minority.

It was a little overwhelming at first with so many different issues, opinions and personalities but I realized that even with all the differences, we wanted what was best for our constituents.

The experience of being a legislator can never compare to the friendships you forge when serving with your fellow members on both sides of the isle. And trust me when you're in the minority you need friends on the other side of the isle, lots of them.

Larry I want to thank you for allowing me to chair the Insurance Committee meeting a few months ago. And for the record I did not compliment him on his tie. I would like to thank my seat mates even the ones that sat behind me who later became Speaker.

Stewart I enjoyed singing the National Anthem with you and Rep. Hardman at Comerica Park. And thanks to everyone that contributed to the extra pounds I picked up.

I want to thank my former staff Jayanaya Barlow, Kurmmell Knox, Gwen Parker, and Donte Goss and my current staff Johnny Oram and Charles Jackson for your hard work and dedication.

I want to especially thank my wife Polett, my son David, my daughter Kandice and my grandson Damontae for their love, support and sacrifices.

I wish you all well as you continue to work together serving the citizens of this great state we call Michigan. Always remember 'IT TAKES TEAM WORK, TO MAKE THE DREAM WORK'.

Thank you and God bless you all."

Rep. Koetje:

“Mr. Speaker and Members:

As I am afforded this opportunity to address members and the people of the State of Michigan, I stand before all of you at this microphone being once again humbled by the great privilege that it is and has been to serve my constituents and people throughout the state as a member of the Michigan House of Representatives for these past six years. I express my thanks to the voters who participated in elections in which I was involved, whether or not the vote was cast for me. I have tried my best to represent you.

While I recognize the importance of the voters and my constituents as a whole who have trusted this service opportunity to me, I have several people, a non-exhaustive list, that I want to specifically acknowledge and thank for their help and support. I want to thank my wife, Cathy, and parents Len and Lois Koetje. I also want to give special thanks to my four children, Sara, Jeff, Kim and Jill. Others that I wish to thank are: Elizabeth Duncan, a trusted staff person, who has now moved on to bigger and better things, Tammie Rozema, my trusted assistant and friend in my Grandville law office; Scott Peterson, Randy Gelderloss, and Ken Bouma, guys that pushed me to run for this office in the first place and pushed me to win elected office. I could not be here and would not be here but for the efforts of all of these people. Thank you to them and to so many more.

The sacrifices that I have made over the past six years are not really sacrifices of mine. I made the choice and decision to run and become an elected public official. The sacrifices of which we sometimes hear are real, however, and have been made particularly by my family. It is amazing in looking back six short years of what has happened in my life. Since I came to Lansing in January, 1999 I have had one child graduate from college. I have had two children get married. I have had two children face death. I am so thankful to have them with me today. I have watched one child grow from a daughter who every night looked forward to her Dad coming home or least having her Dad see her off to school in the morning before he drove to Lansing, now become an adorable, gifted young lady. I am about to become a grandfather for the first time. I really do hope that before my term expires, that I will be able to take my new granddaughter on the House floor with me.

Life sure changes. We all go through it, in whatever occupation we find ourselves, but sometimes our jobs do take a toll on those for whom we care the most. So why did I do this? Did I just have politics in my blood? Did I not recognize the growing up of my family that would occur while I am often times away from home?

I have reflected on that question as my time as a State Representative draws to a close. Why did I seek this office? The answer remains the same today as it was when I first decided to run. My reason for running for office and for serving for these six years, I must confess, was a selfish reason. I ran for office because of my children and for the benefit of my children. Please indulge me a few moments while I explain myself.

Except for my three years in law school, I have lived in Michigan. I have had a wonderful life and have been truly blessed by God, all in Michigan. I ran for office with the goal of doing what I could do to allow my children the same opportunities that I have had to make Michigan their choice of a place to live, work and raise a family. By extension, my goal and hope was that every Michigan parent could also offer Michigan as a choice for their own children.

Have I succeed in my goal? Time will tell. My children are still young enough that they have not dared venture to far from Dad. In fact, my married daughter dragged along a kid from Minnesota to live in Michigan, so maybe I have been partly successful.

I must admit, however, any success which I have achieved as a Legislator, has not been through genius or special abilities of myself. I have been very privileged to work with great Legislators, people with a great vision for this State. My goals happened to merge with people who could help me see my goal of making Michigan an opportunity state a reality. I have focused my time in Lansing on creating an improved business climate and atmosphere within the state. It is my bedrock belief that through good jobs, come almost all of the great things that we have come to expect out of Michigan. Good jobs and good business climate create income for our citizens, creates tax base for our Government which in turn provides for so many of the expectations we have as Michigan citizens. Whether it be quality schools, top notch higher education and so many public services upon which we all rely and take advantage, these are all tied in a symbiotic relationship to the preservation and improvement in our business climate in this state.

Those of use who are in our sixth year have seen our state go from almost unspendable surpluses to now almost constant reductions in funds available for appropriation. We have gone from feeling secure in our homeland to the horrors of September 11, and the constant vigilance by all our citizens against terror.

Have I made a difference in these six years? I have tried and while trying, I have been privileged to serve with so many good people. I have met so many wonderful people as a State Representative and I have made so many good friends with my colleagues in the House. Now as I leave this chamber, I do not look back with any regrets. I look forward to life with memories of my time here. To all of you, I want to apologize for any wrong or hurt that I may have caused you. Certainly know that I have never intended any such thing. I hope that my transgressions toward any of you were few.

In closing, I want to borrow words from two unnamed authors, whom I will now quote:

‘Friends, I will remember you, think of you, pray for you. And when another day is through, I’ll still be friends with you.’

And friends, my prayer is this: 'May the Lord bless you and keep you. May the Lord make his continence shine upon you and be gracious to you. May the Lord give you his peace now and always.'

Mr. Speaker, members, it has been my privilege and honor.  
Thank you."

Rep. LaSata:

"Thank you Mr. Speaker. The last six years have flown by. Every day it is still a great honor to walk onto the floor of the Michigan House of Representatives and do the peoples business. Fortunately, I leave this job with the same amount of hair, and thanks to my recent judicial race where I lost 15 pounds, no more weight than what I came in with in 1999. During my tenure here my wife Kim and I have been blessed with three new additions to our family. We had one child each legislative session, so maybe it is a good thing I am term limited. I am anxious to spend less time driving the 250 miles to and from Saint Joseph and Lansing and more time with my three daughters and son.

I am very proud of the 21 Public Acts which I have successfully sheperded through the legislative process, but rather than talk about past glories, I would like to share a few quotes and thoughts from other legislators and learned people.

In honor of the summer Olympics in Athens, let's start with the Greek philosopher Socrates:

'The greatest way to live with honor in this world is to be what we pretend to be.'

During my tenure here I have worked very hard and never lied or mislead anyone. I will walk out that door next Thursday with pride and my head held high because I believe I have conducted myself in a manner that would make my parents and family proud and has set a good example for my children.

Next let's turn to some words of wisdom from a noted philosopher from Paw Paw, Michigan, State Rep. Mick Middaugh:

'In 18 years of public service, not once has anyone ever complained about me giving too short a speech.'

Some in this chamber should take this nugget of wisdom to heart.

And then of course the one we have heard many times from Colonel John Pappageorge:

'Bad news does not get better with age.'

My 8 and 4 year-olds can recite this on demand.

Let's jump back to the 18th century, to one of my personal favorites, for some guidance from Ralph Waldo Emerson:

'To conform is to commit suicide.'

Never ever forget that 90,000 people have sent you here and sometimes their interests' conflict with your party, interest groups, and caucus leadership. Be true to yourself and those who have sent you here.

Now back to the present to Berrien County Michigan where all great thinking originates.

Jordan Tatter, my mentor and closest friend before his untimely passing, former CEO of Hanson Cold Storage, Ag Commission Chairman, Federal Reserve Board Member, Natural Resources Commission and Secchia Commission Member:

'Never underestimate the power of a large group of stupid people.'

Sometimes the right course is the minority view. We must always do the right thing even if it may not be the popular thing.

Former State Senator Harry Gast who spent 32 years in the legislature once made the following observation of the Michigan House of Representatives:

'In the House they have a bill for everything, hell they even have a bill to put a bikini on a snowman.'

Another learned Senator now House Colleague, Senator Bill Van Ronce told me after our third vote on the dove bill:

'Charlie, in politics friends will come and go, but enemies accumulate.'

Newaygo also has some thoughtful individuals, Rep. Mike 'Coach' Pumford once said:

'I am not at all concerned about losing the billionaire vote in Oceana and Newaygo County.'

Now on to my personal favorite, this is for all of my fellow third termers out there. The debates during our first term were much more fiery than they have been this session. While passing the shall issue CCW legislation I believe it was former Rep. Lynn Martinez who rose to the microphone and loudly denounced all of the supporters of the legislation as 'Whores of the gun lobby!' Our faithful floor leader, Rep. Andrew 'Rocky' Raczowski, quickly rose in righteous indignation to our defense and quickly retorted:

'Mr. Speaker, I deeply resent being called the "H" word!'

I don't believe that I have laughed as hard as I did that afternoon in the succeeding four years.

Now back to Socrates for a quote that many of us have heard before:

'I am not an Athenian or a Greek, but a citizen of the world.'

This will be particularly instructive in the next legislative session when the chamber goes to 58 / 52. Sometimes one needs to be selfless and remember that you are a MICHIGAN State Representative. The two caucuses need to get along next session. There will always be differences and there should be as you craft the best policy for our great state. But if you continually posture, engage in acrimonious exchanges which negatively impact the state, or fail to cooperate for political gain, the voters will punish you. The voters are always smarter than many in Lansing believe them to be. Being a Michigan State Representative is a very big deal. Let me say that again, being a Michigan State Representative

is a very big deal. To jam a colleague over a particular vote or retribution from a leadership race demeans the institution and the people we represent. Please rise above the shallow human emotion of retribution to make this chamber a better place.

It has often been said in many settings, that our diversity is our greatest strength. I want to go back to my first term to talk about my seatmate Representative Janet Kukuk. For those of you that did not have the chance to meet Janet before she died of breast cancer in November of 2000, she was a very conservative state rep who represented Macomb County and proudly stood about 5 feet tall. About the only thing she and I had in common was that neither of us played center on our high school basketball teams. I must confess those first couple of weeks I thought it was going to be a very long two years because Janet and I had very different views on nearly all of the legislation which came before the chamber in early 1999. But by closing my mouth and opening my ears I learned a great deal from Janet before her untimely passing. Although, we often still voted differently, I had a much better grasp of both sides of an issue due to Janet's wisdom. I was deeply honored to serve as a pallbearer at her funeral four years ago last week.

In closing let's finish with my mom, Julia LaSata and a note she scribbled to me in a card after I was elected in 1998: 'A politician makes decisions considering the next election, a statesman makes decisions considering the next generation.' Please continue to make Julia proud and try to be a statesman every time you walk into this sacred chamber.

May God continue to bless the Great, Great Lake State.  
Thank you."

Rep. Middaugh:

"This month brings to a close my career of public service. I moved to Lansing 31 years ago to begin working in State Government with the hope that I could make things a little better for the people of Michigan and give the taxpayers more than \$1.00 worth of work for every \$1.00 they paid me. After 25 years working in both the Senate and House of Representatives, I sought public office and ran for the Michigan House of Representatives from the 80<sup>th</sup> district. The people of that district have faithfully returned me to office for the maximum of six years allowed under Michigan's term limits. I am deeply grateful to them for providing me the opportunity to be of service to them and to be their voice in the Michigan Capitol. I have sought to represent their interests of limited government, minimum taxation, a good educational system, affordable and accessible health care, justice for all, protection of the environment, and a government that works for them. I want to take this opportunity to thank them for the privilege of representing them these past six years.

During my tenure in Lansing I have witnessed many changes. I was here when two members of the Senate were recalled for voting for an income tax increase, changing the political balance of that chamber. I participated as a staff member in the passage of Proposal A and the fundamental change in the manner in which schools are funded. As a member, I sponsored the rewrite of the Michigan Telecommunication Act which brought more competition and lower phone charges to the people of Michigan. As chair, I shepherded the rewrite of Michigan's electric laws to ensure that Michigan would be able to meet our power needs in the future. These are the high points in public policy change, but I will also remember the friends I have made and the constituents my staff and I were able to assist with their personal problems. Whether it was a tax refund, a trailer license, a death certificate, or a tax incentive to create jobs for the area, we daily tackled problems to help the people of the 80<sup>th</sup> district.

As I return to my district to live with the people I have assisted, and under the laws which were passed when I was here, I leave knowing that I gave full measure of myself and my talents and energy to serve the people of my area. To them I simply say 'Thank you for the opportunity to serve you'."

Rep. Minore:

"Mr. Speaker and members;

I am honored to have served in this House. I approach this building — and still enter these Chambers with a sense of awe at what a privilege this service is; and I thank the voters of Flint and Genesee County for having granted me that privilege.

But there are light moments in this House too. I suspect that in years to come, I will best be remembered as 'the guy who always had a jar of peanuts on his desk'. Indeed, that may be my strongest legacy! And for those not retiring, I want to assure you that I have told my successor that it is mandated that he keep the peanuts coming next session! I will leave a dozen or so jars in the office to get him started but it is up to those of you who are returning to hold him to the bargain.

And in speeches and comments around the district and beyond, I always get the best laugh when I point out that I was unusually well prepared for my legislative career. After all, I taught emotionally impaired children for 25 years!

In the hands of the right member, these farewell remarks can be enlightening, inspiring and entertaining. In my case, a simple litany of thanks seems more appropriate.

I appreciate the many — and sometimes surprisingly close — friendships that I have made during these six years: colleagues on both sides of the aisle; staff; lobbyists and constituents. Amazingly, some of the friendliest exchanges across the aisle took place with some of the people who are polar opposites from me in political philosophy.

I especially appreciate the closeness of the members of the Class of '98 — and particularly so that of my colleagues from the Democratic Caucus — those of us who have endured the same fights together — and experienced the occasional, and all too rare, triumph together.

I cannot express how much I have enjoyed the friendship of my seat-mate for the entire six years that I have served – Rep. Jamnick. She has done her best to keep me in line, and I know that several of you will appreciate what a task that has sometimes been – and I trust that you will forgive her occasional failure to do so.

We could not do our job without the dedicated, conscientious and hard-working staff on both sides of the aisle. Whether from our respective caucuses, the Fiscal Agency, the Service Bureau, the Sergeants, staff from the policy or political side – or our own office staff; we prosper or fail based on their work – and all too often we fail to recognize their enormous contribution to our welfare. I want to thank all of the staff – and, of course, especially the Democratic Policy staff that have endured my requests, and have guided me over the past six years.

I especially appreciate my office staff – the current two staff and two who previously worked in my office. Keith Keeler (who is himself retiring from the House this year) and Victoria Baron are here with me today, and I want to express my deep appreciation to them – as well as to my former staff members, Amy Anderson and Melissa Yutzey-Bourke, as well as to a handful of interns who have served me — and my district well.

I am proud of the things that I have accomplished – and many things on which I have worked in concert with others: the tax reversion law revisions; a grant for a park re-development project in Flint; my environmental record; a little change in a pension law that only affects a half dozen people at a time, but affects them mightily; my leadership role in the Caucus, and so on.

But I also leave troubled by those things not done: we leave with a structural deficit that needs attention – and one whose creation the class of '98 contributed to; we have not done all that we could have – or should have – to protect the Great Lakes; and, in spite of our campaign rhetoric, we have not done our part to maintain an appropriate funding level for education – both K-12 and higher education.

And, like some others who have spoken before me, while I recognize that I am here only because of term limits – I regret that they are the law – not because they now end my service — but because they are bad public policy. I hope that future legislatures will strive to change that constitutional provision in the interests of improving public service.

So I leave with a mixture of great pride at having served, and with enormous humbleness that I was chosen for this opportunity. I will cherish it always.

It has been a campaign pledge of mine for many years – both in local government and in the House, that (and I quote), ‘regardless of whether we agree or disagree on a particular issue; I will strive to serve in such a manner that you may always be able to say that you are proud to be represented by me.’

I hope that I have lived up to that motto.

Thank you.”

By unanimous consent the House returned to the order of

### **Second Reading of Bills**

#### **House Joint Resolution EE, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to grant the legislature the authority to define additions and losses for property tax purposes.

The joint resolution was read a second time.

Rep. Pappageorge moved that the joint resolution be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

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Rep. Hood moved that Rep. Plakas 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 Joint Resolution EE, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to grant the legislature the authority to define additions and losses for property tax purposes.

The joint resolution was read a third time.

The question being on the adoption of the joint resolution,

Rep. Richardville moved that consideration of the joint resolution be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of  
**Motions and Resolutions**

Rep. Richardville moved that Rule 45 be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Rep. Richardville moved that the Committee on Appropriations be discharged from further consideration of **Senate Bill No. 1193**.

The motion prevailed, a majority of the members serving voting therefor.  
 The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Sak moved that Rep. O'Neil be excused temporarily from today's session.  
 The motion prevailed.

### Third Reading of Bills

#### Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

(The bill was read a third time and not passed, vote reconsidered and bill postponed for the day on December 2, see House Journal No. 89, p. 2686.)

The question being on the passage of the bill,

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

#### Roll Call No. 1001

#### Yeas—58

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

#### Nays—44

Accavitti	Dennis	Lipsey	Sheltrown
Adamini	Dillon	McConico	Smith
Amos	Gielegem	Meisner	Spade
Anderson	Gleason	Meyer	Stallworth



Bieda	Hardman	Minore	Tabor
Brown	Hood	Mortimer	Tobocman
Byrum	Hopgood	Murphy	Vagnozzi
Cheeks	Hunter	Phillips	Waters
Clack	Julian	Reeves	Williams
Condino	Kolb	Robertson	Wojno
Daniels	Law	Sak	Woodward

In The Chair: Julian

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

“An act to 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.”

The House agreed to the full title.

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. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

Certainly, the apparent intent of this bill — to encourage recycling — is a good one. Good intentions, however, don’t always translate into good policy. I voted ‘no’ on Senate Bill 854 because the new office created by the bill, that of a Statewide Recycling Coordinator, is entrusted with an enormous amount of work, but with no funding and essentially no staff. And although the bill makes the office sound rather grandiose, this bill essentially creates a new cubicle at the Department of Environmental Quality — one that is not funded, and would draw from already scarce and limited resources of the department.”

Rep. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:  
“Mr. Speaker and members of the House:

I voted no on SB854 due to the lack of funding. Without new funding or policy changes, the bills simply put off actions that could be taken to improve the state’s low recycling rate. The administration also says the bills infringe upon the authority of the executive branch. SB 854 establishes a specific job description for an existing executive branch position, which should be the province of the DEQ Director.”

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 5415, 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 4 (MCL 207.554), as amended by 1999 PA 140.

(The bill was received from the Senate on December 2, with an amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 89, p. 2689.)

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

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

**Roll Call No. 1002****Yeas—105**

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

**Nays—0**

In The Chair: Julian

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

Rep. Waters moved that Rep. Minore be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Bill No. 5645, entitled**

A bill to amend 1846 RS 14, entitled "Of county officers," by amending section 91 (MCL 53.91).

(The bill was received from the Senate on December 2, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 89, p. 2689.)

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1003****Yeas—98**

Accavitti	Gillard	Meisner	Sheltrown
Acciavatti	Gleason	Meyer	Shulman

Adamini	Hager	Middaugh	Smith
Amos	Hardman	Milosch	Spade
Anderson	Hart	Moolenaar	Stahl
Bieda	Hood	Mortimer	Stakoe
Bisbee	Hoogendyk	Murphy	Stallworth
Brandenburg	Hopgood	Newell	Steil
Brown	Howell	Nitz	Stewart
Byrum	Huizenga	O'Neil	Tabor
Casperson	Hummel	Palmer	Tobocman
Caswell	Hune	Palsrok	Vagnozzi
Caul	Hunter	Pappageorge	Van Regenmorter
Cheeks	Jamnack	Phillips	Vander Veen
Clack	Johnson, Rick	Pumford	Voorhees
Condino	Johnson, Ruth	Reeves	Walker
Daniels	Julian	Richardville	Ward
Dennis	Koetje	Rivet	Waters
DeRoche	Kolb	Robertson	Wenke
DeRossett	Kooiman	Rocca	Whitmer
Dillon	LaJoy	Sak	Williams
Ehardt	LaSata	Shackleton	Wojno
Emmons	Law	Shaffer	Woodward
Farhat	Lipsey	Sheen	Woronchak
Gielegem	McConico		

**Nays—6**

Bradstreet	Gaffney	Nofs	Pastor
Drolet	Garfield		

In The Chair: Julian

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



Rep. LaJoy moved that Rep. Taub be excused temporarily from today's session.  
The motion prevailed.

The Speaker laid before the House

**House Bill No. 6101, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Branch county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

(The bill was received from the Senate on December 2, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 89, p. 2689.)

The question being on concurring in the substitute (S-2) 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. 1004**

**Yeas—104**

Accavitti	Gaffney	Lipsey	Shaffer
Acciavatti	Garfield	McConico	Sheen

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

### Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

### Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

#### Senate Bill No. 1193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

The bill was read a second time.

Rep. Shulman moved to substitute (H-2) the bill.

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

Rep. Richardville 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

#### Senate Bill No. 1193, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

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

**Roll Call No. 1005****Yeas—105**

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

**Nays—0**

In The Chair: Julian

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

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

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 11 (MCL 388.1611), as amended by 2004 PA 351.

The motion prevailed.

The House agreed to the title as amended.

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****Senate Bill No. 576, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6233, 20145, 20161, 20923, and 20929 (MCL 333.6233, 333.20145, 333.20161, 333.20923, and 333.20929), section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, and sections 20923 and 20929 as amended by 2000 PA 375.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Appropriations,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Newell moved to amend the bill as follows:

1. Amend page 6, line 2, after "fee." by inserting "**The department of community health shall use the fees collected under this subsection only to fund the certificate of need program. Funds remaining in the certificate of need program at the end of the fiscal year shall not lapse to the general fund but shall remain available to fund the certificate of need program in subsequent years.**".

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

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 12, following line 20, by inserting:

**"Sec. 22209a. (1) Subject to subsections (2) and (3), a certificate of need is not required for the physical relocation of up to 150 licensed beds to another licensed hospital that is within the same health service area and within a 10-mile radius of the hospital from which the beds are being relocated if all of the following criteria are satisfied:**

**(a) The hospital from which the beds are being relocated delicensures 50 or more of its existing licensed beds.**

**(b) The hospital from which the beds are being relocated, and the hospital receiving the beds, are both located within a county that, according to the official 2000 federal decennial census, is determined to have an increase of population of 10% or more over its population as determined by the official 1990 federal decennial census.**

**(c) The hospital receiving the beds is located in a township that, according to the official 2000 federal decennial census, is determined to have an increase of population of 37% or more over its population as determined by the official 1990 federal decennial census.**

**(d) The hospital from which the beds are being relocated is located in a city that, according to the official 2000 federal decennial census, satisfies each of the following:**

**(i) Has a median household income of not more than \$31,207.00.**

**(ii) Has a population of at least 62,000 but not more than 70,000.**

**(iii) Has an unemployment rate of 6.4%.**

**(e) The hospital receiving the beds has operated, since May 2003, a full service emergency department that treats patients 24 hours a day, 7 days a week, and accepts patients transported by ambulance.**

**(f) The hospital from which the beds are being relocated is a teaching hospital for purposes of the federal medicare program established under title XVIII of the social security act, 42 USC 1395 to 1395hhh, that trains at least 25 resident physicians per year.**

**(2) The governing body of the county, township, or city in which the hospital from which the beds are being relocated is located has adopted a resolution of support for the physical relocation of the licensed beds to the receiving hospital.**

**(3) The hospital from which the beds are being relocated continues to comply with each of the following:**

**(a) Provide access to health care for the indigent, lower income, and disadvantaged through the operation of at least 125 licensed beds.**

**(b) Provide outpatient services on site and in the surrounding area.**

**(c) Participate in the medicaid program.**

**(d) Maintain compliance with applicable licensing and certification requirements."**

The question being on the adoption of the amendment offered by Rep. Stakoe,

Rep. Stakoe demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Stakoe,

Rep. Stakoe withdrew the amendment.

Rep. Richardville 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

#### Senate Bill No. 576, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 6233, 20145, 20161, 20923, and 20929 (MCL 333.6233, 333.20145, 333.20161, 333.20923, and 333.20929), section 20145 as amended by 2002 PA 683, section 20161 as amended by 2002 PA 562, and sections 20923 and 20929 as amended by 2000 PA 375.

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

**Roll Call No. 1006****Yeas—71**

Accavitti	Gillard	Meyer	Shulman
Adamini	Gleason	Minore	Smith
Amos	Hardman	Moolenaar	Spade
Anderson	Hart	Murphy	Stakoe
Bieda	Hood	Newell	Stallworth
Brown	Hopgood	Nofs	Steil
Byrum	Howell	O'Neil	Tobocman
Cheeks	Huizenga	Palmer	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnick	Phillips	Walker
Daniels	Johnson, Rick	Plakas	Waters
Dennis	Julian	Pumford	Wenke
DeRossett	Koetje	Reeves	Whitmer
Dillon	Kolb	Richardville	Williams
Ehardt	Law	Rivet	Wojno
Emmons	Lipsey	Sak	Woodward
Gaffney	McConico	Shaffer	Woronchak
Gielegem	Meisner	Sheltrown	

**Nays—34**

Acciavatti	Garfield	Milosch	Sheen
Bisbee	Hoogendyk	Mortimer	Stahl
Bradstreet	Hummel	Nitz	Stewart
Brandenburg	Hune	Palsrok	Tabor
Casperson	Johnson, Ruth	Pastor	Taub
Caswell	Kooiman	Robertson	Vander Veen
Caul	LaJoy	Rocca	Voorhees
Drolet	LaSata	Shackleton	Ward
Farhat	Middaugh		

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,"

by amending sections 20145 and 20161 (MCL 333.20145 and 333.20161), section 20145 as amended by 2002 PA 683 and section 20161 as amended by 2004 PA 393.

The motion prevailed.

The House agreed to the title as amended.

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

#### Senate Bill No. 1434, entitled

A bill to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Reform (for amendment, see House Journal No. 87, p. 2559),

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

Rep. Richardville 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

#### Senate Bill No. 1434, entitled

A bill to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

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

#### Roll Call No. 1007

#### Yeas—104

Accavitti	Gielegem	Meyer	Sheen
Acciavatti	Gillard	Middaugh	Sheltrown
Adamini	Gleason	Milosch	Shulman
Amos	Hardman	Minore	Smith
Anderson	Hart	Moolenaar	Spade
Bieda	Hood	Mortimer	Stahl
Bisbee	Hoogendyk	Murphy	Stakoe
Bradstreet	Hopgood	Newell	Stallworth
Brandenburg	Howell	Nitz	Steil
Brown	Huizenga	Nofs	Stewart
Byrum	Hummel	O'Neil	Tabor
Casperson	Hune	Palmer	Taub
Caswell	Hunter	Palsrok	Tobocman
Caul	Jamnack	Pappageorge	Vagnozzi
Cheeks	Johnson, Rick	Pastor	Van Regenmorter
Clack	Johnson, Ruth	Phillips	Vander Veen
Condino	Julian	Plakas	Voorhees
Daniels	Koetje	Pumford	Walker
Dennis	Kolb	Reeves	Ward
DeRoche	Kooiman	Richardville	Waters
DeRossett	LaJoy	Rivet	Wenke
Dillon	LaSata	Robertson	Whitmer



Drolet	Law	Rocca	Williams
Emmons	Lipsey	Sak	Wojno
Farhat	McConico	Shackleton	Woodward
Gaffney	Meisner	Shaffer	Woronchak

**Nays—1**

Garfield

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.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 5763, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

(The bill was received from the Senate on November 4, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 9, see House Journal No. 84, p. 2424.)

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

Rep. Lipsey moved to amend the Senate amendments as follows:

1. Amend Senate Amendment No. 1, page 5, line 9, after “**Property**” by inserting “**described in section 1 of 1927 PA 212, MCL 557.151, or real property,**”.

2. Amend Senate Amendment No. 3, page 7, line 23, after “**Property**” by inserting “**described in section 1 of 1927 PA 212, MCL 557.151, or real property,**”.

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

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

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

**Roll Call No. 1008****Yeas—106**

Accavitti	Garfield	Meyer	Sheen
Acciavatti	Gielegem	Middaugh	Sheltrown
Adamini	Gillard	Milosch	Shulman
Amos	Gleason	Minore	Smith
Anderson	Hardman	Moolenaar	Spade
Bieda	Hart	Mortimer	Stahl
Bisbee	Hood	Murphy	Stakoe
Bradstreet	Hoogendyk	Newell	Stallworth
Brandenburg	Hopgood	Nitz	Steil
Brown	Howell	Nofs	Stewart
Byrum	Huizenga	O’Neil	Tabor
Casperson	Hummel	Palmer	Taub
Caswell	Hune	Palsrok	Tobocman

Caul	Hunter	Pappageorge	Vagnozzi
Cheeks	Jamnick	Pastor	Van Regenmorter
Clack	Johnson, Rick	Phillips	Vander Veen
Condino	Johnson, Ruth	Plakas	Voorhees
Daniels	Julian	Pumford	Walker
Dennis	Koetje	Reeves	Ward
DeRoche	Kolb	Richardville	Waters
DeRossett	Kooiman	Rivet	Wenke
Dillon	LaJoy	Robertson	Whitmer
Drolet	LaSata	Rocca	Williams
Ehardt	Law	Sak	Wojno
Emmons	Lipsey	Shackleton	Woodward
Farhat	McConico	Shaffer	Woronchak
Gaffney	Meisner		

### Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

### Comments and Recommendations

Rep. Richardville moved that Rule 82 be suspended.

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

Rep. Richardville moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Rivet:

“Mr. Speaker Pro Tempore. We have not always agreed and you have often reminded me of your desire to see my opponent here in my stead. However, I must say you have done extraordinarily well in that position and you are a credit to the Institution.

Speaker Johnson, my classmate and friend, it has been an honor serving under you.

I must thank the good people of Bay County for sending me here to fulfill one of my life’s dreams. I hope I have merited their generous support.

I must also express my thanks to my wife Sherry and all my family and friends who have been there for me.

I have been blessed with the admirable service of a terrific staff. Marilyn Pell has stayed with me for the last six years. Those of you that have worked with me know she has earned a pass into heaven. Katie Neilsen has been with us only a short time but has added greatly to our office.

Let me say a word about my seatmate. Dale Sheltrown – A Rock in this shaky world of politics, a quality legislator and a great person to be standing next to you.

I also want to thank Governor Granholm for her leadership. Being her favorite Legislator, well maybe not her very favorite – Her commitment to the children and future of this State has earned my respect.

Finally, I wanted recognize Mickey Switalski and Steve Tobocman. The two legislators I have most wanted to be like. The State is fortunate to still have them in their service.

When I’m asked what the best part of this job is, I always answer – The diversity of people I get to work with. Different races, religions and ideologies. You see I come from a place where less than 2 of 100 people you meet are African-American. There are few differences.

One of the things I learned here is that racism exists - in our world, in the State and in this Chamber. Oh, there is no overt hatred or malice – but I quickly saw that we are not familiar with each other and that leads to an uneasiness which tends to have us keep to our own when things get tense in this process. Now we can pretend it doesn’t exist – or we can go about the business of fixing it. As awkwardly as it has been, some of my colleagues may say as badly as I done it, I have tried to break those barriers for myself. I especially want to thank Bill McConico for reaching out and for his friendship. From my core, I can now, truly, call him my brother – and coming from where I did – that is something.

I read this fall in one of our Lansing newsletters that Leaders of the Caucuses would be chosen based on the number of seats that were won or lost in the election. This is a great concern to me. When we came here six years ago the people I respected – Hilligonds, Hertel and others kept saying the Institution must be preserved. Although I am not naive enough to say politics doesn't matter – surely this is not what they meant. Serving the people of your district, the people of the State, good public policy, the honor of the House, the Caucus family, Leadership – all these things should come before politics, money and special interest. We can and must do better. There must be a greater respect for this Institution – and I challenge you to do so.

The best advice I received while serving here came from an Independent in Bay County. About six month into my first term, I was lamenting to him how the Republicans were not letting us pass any legislation and the former Governor's Office weren't returning my calls and I was frustrated. He said to me 'Joseph, you're a smart guy – We sent you down there to get things done for us – go do it'. He actually didn't say 'you're a smart guy' I added that for your benefit. From that day on, I reached across the aisle and did what I thought I must to serve Bay County and the State – understanding it may concern some colleagues, my Caucus and others.

I always dreamed of serving in this House and making good public policy. I never dreamed of how challenging and rewarding and frustrating it would be.

I dreamed of great friendships and camaraderie – but I never dreamed so many of those friends would be Republicans.

I dreamed of making my mark on this institution – but I never dreamed of the mark it would leave on me – the personal growth has astounded me, some bad, but mostly good.

I dreamed of coming here and convincing you all to my way of thinking – but I never dreamed I would learn to respect so many different view points and understand there is rarely a right or wrong – only what one more than half of what people believe to be the direction we should go. You taught me not to judge people or their beliefs - What a gift you have given me.

I dreamed, as a 22 year old staffer sitting in this gallery, of how excited I would be on my first day of service – but I never dreamed of how difficult it would be to leave.

When visiting Bay County, I overheard then Democratic Leader Kwame Kilpatrick describing me has being all heart. I'm not sure if that was a compliment or not. If I am remembered for my service, I hope it is said that I brought my passion for this process, my shortcoming and my talents and gave it 110% - and left all I had on the floor of this House.

Thank you all – It has been a privilege.

Thank you Mr. Speaker.”

Rep. Shackleton:

“I was told that today I am to deliver my farewell remarks. There must be some mistake. I just got here!

That is, at least, how it feels. Everyone tells you that the six years go quickly, but until a day like this, you can't really appreciate how the time goes by in a whirlwind. During those six years, you, my House colleagues, have welcomed my lovely wife Karen, my son Henry, who was just a toddler when I started, and I'll never forget introducing my infant son, John to the House from the Speaker's podium. Today feels like a graduation, a party, and a funeral all rolled up in one.

As members depart, there is an inclination to leave a little unsolicited advice to the remaining members. I would only tell you that I always thought that my job here was to survey the landscape and find a way to be effective in it. I think that is the job of a member, regardless of whether you are in the majority or minority, or what part of the state you are from. If I were to give any advice, it is to find a way to be effective and to pick your battles.

My first two years I served on policy committees. These were the years of huge budget surpluses and equally huge supplemental bills. Well, I thought appropriations looked like the place to be. I got on the appropriations committee at just about the time that the economy went south. That led to cuts upon cuts, which led one of my appropriation colleagues to remark; 'everything was going great until you got here.'

I have thoroughly enjoyed being a member of the Michigan House of Representatives. Like many of you, I found a home here. I have enjoyed being able to be a part of the process and in making a difference. I have made great friends here. Many of which I know will be friends for life.

I will always remember with great humility and gratitude the people of the 107th district who supported me in so many ways and gave me the opportunity to be their representative.

I am eternally grateful as well for the staff that has worked so hard in my office. Especially Keith Carey and Emilee VanKampen who worked with me for over 5 years each. They lived the job of supporting a targeted legislator and did it well. Heidi Lundquist joined my office in the last year and has done a great job too. I often bump into people back home who thank me for helping them out with some problem like getting their unemployment straightened out. Of course, I had nothing to do with it, it was my staff who did it and made me look good. At least I was smart enough to hire good people.

I leave with mixed feelings. I will miss the wonderful people here, but I am excited to know that I will be home every night with my family, not 300 miles away Monday through Thursday.

Is it hard to leave? Yes, but when Karen and I decided to make the leap and run for this office and leave the security of a job that I had for 15 years, we believed that one thing would lead to another and the Lord would provide and, indeed, life is going to change dramatically in the coming months but I'm looking forward to it.

As a Yooper born and raised in Sault Ste. Marie, I have learned a lot, seen a lot, and, I hope, done a lot. But now this Yooper will be driving back north over the Mackinac bridge and, at least, mostly, staying there.

Thank-you and God bless."

Rep. O'Neil:

"I take my leave from this body with a profound sense of gratitude.

I have held elective office without interruption for more than a quarter of a century. Each time my name has appeared on an election ballot, my friends and neighbors chose to place their trust in me.

For an American there is no greater honor than to be chosen by one's fellow citizens to represent them in elective office.

I am and will ever remain a lifelong resident of Allen Park, Michigan, a proud member of the Downriver community. We are a patriotic community of working men and women devoted to God, family and country. The people of Downriver are the salt of the earth. I can never adequately express the pride I will always feel at being elected to serve for seven years on the Allen Park City Council, twelve years on the Wayne County Commission and three terms in this great legislative body.

And so first and foremost I feel gratitude to the people of Downriver who made my political journey possible.

I want to thank the many dedicated Downriver local elected officials, community leaders, business leaders and church leaders with whom I worked so closely these past twenty-five years. I have always been deeply impressed by the sincerity and dedication of these wonderful people who are the spine and backbone of our civil society. They are the broad and strong shoulders upon which this legislative body stands.

I want to extend special appreciation to Marlene Dudzinsky who has been my strong right arm for the past 18 years, during 12 years of my service on the Wayne County Commission and during the past six years of my service in this great legislative body. She has kept me focused and frequently often on time. She is magnificent and I will miss our daily contact.

Some years ago, my father, Omer O'Neil, retired as President of the Southern Wayne County Chamber of Commerce after compiling a distinguished and celebrated record in that post. His worthy successor in that post picked up my dad's mantle and took the Chamber from success to success. My dad's successor is now my successor. Ed Clemente will be an outstanding member of this House and Downriver eagerly looks forward to his service. I am delighted that Ed will benefit from the retention of Marlene Dudzinsky in the same capacity in which she so ably served me.

I want to thank the lobbyists for providing me with the hard information so essential to participate effectively in the great arguments and stimulating debates that have dominated our agenda these past six years.

I want to thank my colleagues on the Democratic side and our outstanding Minority Leader whose kindnesses I appreciate and whose friendships I value.

If there is a regret it is that during the seasons I served in this House my party was never in the majority. Having come here from the Wayne County Commission where 13 of 15 members were Democrats, I had to learn to function effectively as a minority Member.

That said, I want to express my gratitude to Speaker Rick Johnson. I think that he has been superb. He has been very fair and kind to me and I will always value his friendship. I commend him for his outstanding service to this House and to our state as Speaker. His door was always open and he treated members of the minority with respect, quite unlike his predecessor as Speaker. I want to thank the Speaker for allowing me to serve on the Appropriations Committee this past year, service which I found most satisfying.

I have enjoyed my service on the Tax Policy Committee where I served as Vice Chair. I thank my colleagues on that committee, especially Rep. Wenke, who graciously extended to me every courtesy and consideration.

During my first two terms in this House we Democrats learned the meaning of minority. In addition to both legislative bodies and the courts an able and partisan Republican occupies the Governor's office. During my third term, while remaining in the minority in this House we Democrats in Lansing were relieved to be joined by a most able Democrat in the Governor's office. I thank Governor Granholm and her team for their leadership and support.

In the cut and thrust of legislative debate one soon learns to accept less than a full loaf. I have enjoyed the opportunity to learn from my colleagues as they passionately addressed the great public policy issues of our era. I was privileged to participate in these great debates the results of which will define our state for decades to come.

I take some pride in the positions I took in these debates, positions I believe will pass the test of time.

I have been a staunchly Pro Life elected official. I believe that public opinion is slowly but surely moving in our direction. I hope that my Democratic Party, in which my views are in the minority will over time become more open and more hospitable to Pro Life sentiment. I regret that my legislation on expanding parental notification was not successfully enacted. I hope the issue will be revisited in the next legislature. I believe that most citizens, regardless of their position on abortion would like to see their rights as parents protected.

(Wayne County Community College)

(Health Policy – Steve Ehardt)

In closing let me try to express my devotion to my family. To my father Omer O'Neil and to my late and wonderful mother Teresa who raised me with solid moral values. To my eleven brothers and sisters, scores of nieces and nephews whose tireless activity were the backbone of my election campaigns. To my wife Mary of nearly 30 years whose love and devotion and wisdom have anchored my life and to our three children, Cory, Mark and Caitland, thank you for putting up with me and supporting this political journey of 25 years.

We leave this legislature in the Season of Hope and renewal. It is not without significance that the O'Neil family awaits the imminent birth of our first grandchild. We thank God for the many blessings he bestows upon us. I pray that he continues to bless this great state, this noble body and the dedicated men and women who here do the work of freedom.

I bid you all an affectionate farewell."

Rep. Hardman:

"Good Afternoon, I greet each of you with Joy, Peace and Happiness. I stand before you today humbled for the opportunity the voters in house district 3 entrusted to me. Not in my wildest dreams did I ever think a woman with meager beginnings would and could end up in a big beautiful house like this. Never did I think a woman whose father worked seven days a week pumping gas could, decide what was best for the people in her community.

I would like to thank my seat mate for helping me through some pretty difficult times and for being the Christian woman that she is. We always respected each others decisions and it was an added blessing to have a praying seat mate that is not ashamed of the gospel of Jesus Christ.

I want to acknowledge some of best staff in Lansing Pastor Vivian Clarrington and Jenita Moore. You might ask what makes them great. Their attitude towards people and going the extra mile to get the job done. Jenita, I know that I could not have made it without you. You have been a blessing to me and for me. I would also like to thank every staff member that took the time to share a smile or a friendly hello. A very special thanks to my sisters and brothers that have always supported me.

I would like to quote from the Declaration of Independence something I assume all Legislators and those serving in the public interest should all bear witness to.

'We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness-that to secure these rights, Governments are instituted among Men, deriving their just Powers from the consent of the Government, that whenever any form of Government becomes destructive of these Ends, It is the right of the people to alter or to abolish it, and to institute new Government laying a Foundation on such Principles and organizing it's Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness'.

On November 2, 2004 this country and this state spoke loudly concerning the direction we will take over the next several years.

I will not be in this house to witness the decisions you will render but I pray that those decisions will be based purely on what is right and not on what someone presumes to be in the best interest of the people. Remember we are all created equal.

I pray that some of the decisions I had to witness will no longer be a part of this houses tradition. Remember we are all created equal.

Yes, you will have to make choices for communities you don't live in but don't exclude those members of this house that do. They better than you know what is best for their communities just as you know what is best for yours, Remember we are all created equal.

We don't all look alike and yes we may have differences of opinions however, as elected officials we need to come to the table and study the issues so you can make the most informed and intelligent decision possible, Remember we are all created equal.

This has been both a jubilate and sorrowful time. Both my parents Mr. Willie George Tinsley and Mrs. Mary Louise Tinsley made their earthly transitions since I was first elected to The Michigan House of Representative. And while I call their names separate they were the most loving and deserving couple and parents any child could ask for. I know they have been with me in spirit throughout my entire time here in the house. Some of those emotional times (you may not have known about, but those sitting near the front knew) were the times I thought about my father and what he had to go through being born in Alabama in 1910. I was remembering my mother telling me how she loved school and the one dress she had to wear. She told me how she had to wash it every day so it would be clean for the next school day. Even then we were all created equal.

Unlike many children of today my mother stayed home and made sure her children were at school and doing what they needed to do to become productive members of society. This house will be responsible for the children of today. You must be unprejudiced and honorable when making decisions about the children's education, not just in my community but throughout the state. Our children did not ask to be in the situation that many of the school districts find themselves in today. This house must work on equal per pupil funding. Remember we are all created equal.

You must work tirelessly to help solve the health care crisis in this state. Health care is not a privilege but a right every citizen should have access to. And yes I feel we should not allow systems to dominate the health care market. What ever happened to free enterprise. Remember we are all created equal.

You must solve the transportation problems that are preventing our citizens from being able to obtain jobs outside of their communities. I live in a district where nearly half the residents don't have transportation and those of us that do are being victimized by the insurance industry. Our rates are tripled what you pay in other places around the state and country, we will continue to fight until fairness prevails. Remember we are all created equal.

Well I could go on and on but I won't.

As I close, please bear with me as I continue in song.

Mine eyes have seen the glory of the coming of the Lord  
 He is trampling out the vintage where the grapes of wrath  
 are stored  
 He has loosed the fateful lightning of his terrible swift sword  
 His truth is marching on

In the beauty of the lilies Christ was born across the sea  
 With a glory in his bosom that transfigures you and me  
 As he died to make men holy let us die to make men free  
 While God is marching on.  
 Glory Glory Hallelujah  
 Glory Glory Hallelujah  
 Glory Glory Hallelujah  
 His truth is marching on

Mr. Speaker, members, thank you for this opportunity  
 Remember we are all created equal.  
 God bless you and God bless America.”

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Rep. Nofs moved that Rep. DeRossett be excused from 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 that Rule 45(c) be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Rep. Palmer moved that the Committee on Education be discharged from further consideration of **Senate Bill No. 1153**.  
 (For first notice see House Journal No. 89, p. 2698.)  
 The question being on the motion made by Rep. Palmer,  
 The motion prevailed, a majority of the members serving voting therefor.  
 The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.  
 The motion prevailed, 3/5 of the members present voting therefor.

Rep. Palmer moved that the Committee on Education be discharged from further consideration of **Senate Bill No. 1154**.  
 (For first notice see House Journal No. 89, p. 2698.)  
 The question being on the motion made by Rep. Palmer,  
 The motion prevailed, a majority of the members serving voting therefor.  
 The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Palmer moved that the Committee on Education be discharged from further consideration of **Senate Bill No. 1155**.  
(For first notice see House Journal No. 89, p. 2698.)  
The question being on the motion made by Rep. Palmer,  
The motion prevailed, a majority of the members serving voting therefor.  
The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Palmer moved that the Committee on Education be discharged from further consideration of **Senate Bill No. 1156**.  
(For first notice see House Journal No. 89, p. 2698.)  
The question being on the motion made by Rep. Palmer,  
The motion prevailed, a majority of the members serving voting therefor.  
The bill was placed on the order of Second Reading of Bills and laid over one day.

Rep. Richardville moved that Rule 45(c) be suspended.  
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Palmer moved that the Committee on Education be discharged from further consideration of **Senate Bill No. 1157**.  
(For first notice see House Journal No. 89, p. 2698.)  
The question being on the motion made by Rep. Palmer,  
The motion prevailed, a majority of the members serving voting therefor.  
The bill was placed on the order of Second Reading of Bills and laid over one day.

### Second Reading of Bills

#### **Senate Bill No. 1485, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and section 10 (MCL 41.810), the title as amended by 1990 PA 102.

The bill was read a second time.

Rep. Howell moved to substitute (H-1) the bill.  
The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.  
Rep. Richardville 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.

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Rep. Zelenko entered the House Chambers.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**Senate Bill No. 1485, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and section 10 (MCL 41.810), the title as amended by 1990 PA 102.

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

**Roll Call No. 1009**

**Yeas—105**

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

**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.



Rep. Waters moved that Reps. Cheeks and Hood be excused temporarily from today's session.  
The motion prevailed.

### **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, December 2:

**Senate Bill Nos. 1486 1487 1488**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 3, for her approval of the following bills:

**Enrolled House Bill No. 4450 at 11:07 a.m.**

**Enrolled House Bill No. 5544 at 11:09 a.m.**

**Enrolled House Bill No. 5832 at 11:11 a.m.**

**Enrolled House Bill No. 5971 at 11:13 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, December 3:

**House Bill Nos. 6364 6365 6366 6367**

The Clerk announced that the following bill had been printed and placed upon the files of the members on Friday, December 3:

**Senate Bill No. 1489**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, December 6, for her approval of the following bill:

**Enrolled House Bill No. 5656 at 11:50 a.m.**

By unanimous consent the House returned to the order of

### **Messages from the Senate**

#### **House Bill No. 6338, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

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 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 11 (MCL 41.811), as amended by 1989 PA 81.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 1010****Yeas—101**

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

**Nays—0**

In The Chair: Julian

The House agreed to the title as amended.

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

Rep. Richardville moved that when the House adjourns today it stand adjourned until Wednesday, December 8, at 10:00 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 329.**

A resolution for the Honorable Triette Reeves.

Whereas, As she brings to a close her distinguished tenure in the House, it is a pleasure to commend and thank Representative Triette Reeves for her efforts on behalf of the people of her community and the entire state. Her deep

sense of concern for others and her sense of commitment to public service have been deeply appreciated by her colleagues over the past six years; and

Whereas, A lifelong Detroitier and graduate of Michigan State University, Triette Reeves has contributed to the work of the Michigan House of Representatives in several capacities over the years. She gained her first insights into the lawmaking process in Lansing as a staff member for four years, before being elected to fill a vacancy in 1992. After efforts working for the Speaker of the House working with the Detroit Democratic Caucus and responsibilities with a host of civic groups, she returned to the House with her election in 1998. In each role she has filled, Triette Reeves has demonstrated a compassion that is most fitting for a woman who also has devoted herself to the ministry for many years; and

Whereas, Throughout her work as a lawmaker, Representative Reeves has been devoted to initiatives to help young people and those in need. These include numerous measures to increase access to health care. As a member of the House Appropriations Committee during the Ninety-first and Ninety-second Legislatures, she has been an integral part of the state's response to financial pressures; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend the Honorable Triette Reeves for her outstanding work as a member of this legislative body over the past six years; and be it further

Resolved, That copies of this resolution be transmitted to Representative Reeves as evidence of our respect and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 330.**

A resolution for the Honorable Paul Gielegem.

Whereas, As he brings to a close his final term in this legislative body, it is a pleasure to offer this expression of our respect and gratitude to Representative Paul Gielegem. With his energy, concern for our state's future, and commitment to his constituents, he has contributed significantly to the legislative process and to addressing the challenges Michigan faces; and

Whereas, Educated at Macomb County Community College and Wayne State University, Paul Gielegem was a member of numerous community and civic groups throughout the Clinton Township area. The insights he gained in his interaction with local citizens, businesses, and organizations, including his efforts as a legislative aide in the Michigan Senate, led to his election to the Michigan House of Representatives in 1998; and

Whereas, Throughout his tenure as a lawmaker, Representative Gielegem has been an active advocate for public safety, health, and protecting the quality of life in our state. A member of the House Education Committee throughout his three terms, he has articulated the needs of our schools in an era of shrinking financial resources. Representative Gielegem has also been actively involved in the effort to safeguard Michigan from the impact of imported trash. His work with legislators from all corners of the state has been deeply appreciated; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Paul Gielegem for his notable contributions to this legislative body from 1999 to 2004; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Gielegem as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 331.**

A resolution of tribute for the Honorable Gene DeRossett.

Whereas, It is with deep appreciation for his dedication over the past six years that we give tribute to Gene DeRossett and thank him for his effective leadership as a member of this legislative body. A staunch believer in limited government, lower taxes, and the sanctity of life, Representative DeRossett has served the interests of his constituents with honor; and

Whereas, A longtime resident of Washtenaw County, Gene DeRossett earned his building trades certification through selected course work at Cleary College and Washtenaw Community College. A successful small business owner, Mr. DeRossett founded his own construction company working as a licensed general contractor for over 30 years and was also a real estate agent. He was involved in numerous professional, civic, and community organizations, including the Washtenaw County Right to Life, the National Rifle Association, the Michigan Coalition for Responsible Gun Owners, the Saline Rotary Club, and the Manchester Kiwanis Club; and

Whereas, Since his election in 1998, Representative DeRossett served the House of Representatives as Chair of the House Committee on Transportation, Chair of the House Committee on Agricultural and Resource Management, Vice-Chair of the House Committee on Family and Children Services, Chair of the House Republican Campaign Committee, and Chair of the House Republican Task Force on Obstacles to Doing Business in Michigan. Over this period, he has sponsored at least 22 Public Acts, ranging from reducing the income tax credit threshold for farmers to repealing the Sunday hunting ban in Washtenaw County; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of respect to the Honorable Gene DeRossett for his contributions to the House of Representatives and to our entire state; and be it further

Resolved, That copies of this resolution be transmitted to Representative DeRossett as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 332.**

A resolution for the Honorable Clark E. Bisbee.

Whereas, as he brings to a close his service with the House of Representatives, it is most appropriate to commend Representative Clark Bisbee and thank him for his contributions to the legislative process over the past six years. His sense of commitment to the people of his district and our entire state have earned him the respect of members and staff; and

Whereas, Born and raised in Jackson, Clark Bisbee earned his bachelor's degree from Albion College before embarking upon a career in business that would include work in banking and in small business enterprises and leadership in the travel service industry in Michigan. These diverse efforts, coupled with his activism with numerous community groups in the Jackson area, gave him insights into the issues and concerns facing his neighbors in Jackson County; and

Whereas, Since his election to the House in 1998, Representative Bisbee has been a strong advocate for small businesses across the state. He has distinguished himself through his consistent efforts to enhance Michigan's economic foundation. Through his work on his own legislation and his chairmanship of the House Commerce Committee and the Joint Select Committee and Business Competitiveness, he has worked hard to strengthen our state as it prepares for the challenges of the future; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Clark Bisbee for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Bisbee as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 333.**

A resolution for the Honorable Susan Tabor.

Whereas, The members of this legislative body are proud to offer this expression of our gratitude to Susan Tabor as she brings to a close her tenure of service and accomplishment in the Michigan House of Representatives. Her leadership in conservation and natural resources management has been a great asset to her colleagues and citizens of this state; and

Whereas, Representative Tabor brought to the legislature her considerable experience in the workings of local government. Prior to being elected, she was a Delta Township trustee, chairperson of the Delta Township Public Safety

Committee, and a member of Delta Township's Transportation and Election Committees. These experiences were vital to her understanding of the needs of the people of Eaton County; and

Whereas, In her three terms as a legislator, particularly as chair of the House Conservation and Outdoor Recreation Committee, Susan Tabor was one of the Legislature's strongest advocates for Michigan's outdoor heritage. Her view that outdoor recreation brings families together is the cornerstone of her efforts to increase hunting opportunities for hunters of all ages and better protect the rights of hunters, anglers, and trappers. Representative Tabor was instrumental in founding the bipartisan Michigan Legislative Sportsman Caucus to support and improve outdoor recreation activities for all people of this state. She also worked to familiarize women with firearm safety through her leadership in the National Wild Turkey Federation's Women in the Outdoors Program; now, therefore, be it

Resolved by the House of Representatives, That for her years of commitment to the community and the citizens of the Great Lakes State, we extend our gratitude to the Honorable Susan Tabor as she concludes her service to this legislative body; and be it further

Resolved, That copies of this resolution be transmitted to Representative Tabor as evidence of our thanks and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 334.**

A resolution for the Honorable Lauren Hager.

Whereas, It is with great admiration for his commitment to the people of the Eighty-first District, as well as to the people of Michigan, that we honor Representative Lauren Hager as he ends his distinguished service in the Michigan House of Representatives; and

Whereas, Lauren Hager is a proud graduate of Michigan State University where he earned bachelor's and master's degrees. He also earned certification in the teaching of the learning disabled from Marygrove College in Detroit. Before being elected to the Legislature in 1998, Lauren Hager had worked as a special education teacher for 35 years and co-owned the McLeod-Hager Sports Memorabilia in Port Huron. He also served on the Port Huron City Council from 1993 to 1998 and was mayor pro-tem in 1997; and

Whereas, During the Ninety-second Legislature, Representative Hager, as Chair of the House Committee on Family and Children Services, was a passionate and forceful advocate for abused and neglected children. He fought valiantly to reform the Office of Children's Ombudsman by granting it greater independence to investigate the Family Independence Agency; giving the Legislature greater oversight of the state's child protective service system; and revising adoption laws; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our gratitude to the Honorable Lauren Hager as he brings to a close his tenure in this legislative body; and be it further

Resolved, That copies of this resolution be transmitted to Representative Hager as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 335.**

A resolution for the Honorable Jim Howell.

Whereas, It is with great admiration for his commitment to the people of the Ninety-Fourth District, as well as the entire state, that we honor Representative Jim Howell as he ends his tenure of service as a distinguished member of this legislative body. His thoughtfulness, personal integrity, and deep sense of respect for the legislative process have been greatly appreciated by the members and staff of this legislative body; and

Whereas, Jim Howell's educational credentials include an associate degree from Delta College and a bachelor's degree with honors from Saginaw Valley State University. He also earned a Juris Doctorate degree from Thomas M. Cooley Law School. His career pursuits includes nearly ten years in law enforcement with the Saginaw County Sheriff's Department and Saginaw Police Department, fifteen years in private practice as an attorney, and two years as a corporate attorney for Dow Chemical Company; and

Whereas, Representative Jim Howell's legal background served this legislative body in numerous ways, particularly in his capacity as chair of the House Judiciary Committee. He also served as a member of the Commerce, Criminal Justice, and Government Operations Committees. His commitment to addressing the many complex issues he faced has been of great value to this state; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our gratitude to the Honorable Jim Howell for his dedication to the people of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to Representative Howell as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 336.**

A resolution of tribute for the Honorable Ruth Ann Jannick.

Whereas, Ruth Ann Jannick has been a well-respected member of the House of Representatives. A native of Ypsilanti, she brought to the Legislature years of practical political experience in the art of governing. Having served for 22 years on the Ypsilanti Township Board, including seven terms as Township Treasurer, Ruth Ann Jannick was extremely knowledgeable about the concerns and cares of her constituents. She was also deeply committed to local causes as the Chair of the Washtenaw United Way, Chair of the Ann Arbor/Ypsilanti Urban Area Transportation Group, and Vice President of the Michigan Townships Association; and

Whereas, Throughout her three terms in the House of Representatives, Ruth Ann Jannick attained numerous leadership positions. During the Ninety-second Legislature, she served as the Vice Chair of the House Local Government and Urban Affairs Committee, the a member of the House Committee on Transportation, as well as the Chair of the House Democratic Women's Leadership Caucus. Well regarded by her friends across the political aisle, Representative Jannick was appointed by the Speaker in 2001 to co-chair a bipartisan work group studying manufactured housing reform and in 2004 to the National Conference of State Legislatures' Redistricting and Elections Committee; and

Whereas, Over the course of her career in the House of Representatives, Ruth Ann Jannick sponsored 128 pieces of legislation. Reflecting her ability to work with her Republican colleagues, she sponsored 12 Public Acts, including a measure allowing townships' input in setting speed limits; and now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of respect to the Honorable Ruth Ann Jannick for her contributions to the House of Representatives and the people of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to Representative Ruth Ann Jannick as evidence of our sincere gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 337.**

A resolution of tribute for the Honorable Julie Dennis.

Whereas, It is a privilege to join the members of the Michigan House of Representatives in paying tribute to the Honorable Julie Dennis. She has upheld the finest traditions of the Michigan Legislature in her endeavors to promote sound public policy and bring the concerns of her district to Lansing; and

Whereas, Julie Dennis earned a bachelor's degree from Allegheny College and a teaching certificate from Grand Valley State University. In college, she excelled in sports and was twice named an NCAA All-American in softball. During her more than a decade as a secondary school teacher and as the assistant softball coach at Grand Valley for two years, Ms. Dennis focused on education and health as foundations for future greatness; and

Whereas, Elected in 1998 for the first of her three terms in the Michigan Legislature, Representative Dennis maintained her firm commitment to health issues and children. Her role as vice chair for the House Committee on Higher Education was particularly suited to her education background. Throughout her tenure, Representative Dennis stayed involved in her community. She may be justifiably proud of her advocacy for Miles for Smiles, a program of the Muskegon Community Health Project's Dental Coalition that brings dental care to needy children. Truly, Representative Dennis has contributed greatly to the Muskegon region and our entire state; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Julie Dennis as she concludes her tenure of service in the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Dennis as evidence of our esteem and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives offered the following resolution:

**House Resolution No. 338.**

A resolution for the Honorable Sandy Caul.

Whereas, It is with great admiration and appreciation for her years of service to the people of this state as well as her constituents of the Ninety-ninth District that we honor Representative Sandy Caul as she ends her tenure of service in the Michigan House of Representatives. Her commitment to public service has greatly enriched this legislative body; and

Whereas, With caring for others as her passion, Sandy Caul attended nursing school at the Augustana School of Nursing and furthered her education by attending Central Michigan University. Prior to her election to the House of Representatives, she served as a member of the Isabella County Commission where she held the leadership positions of chair and vice-chair. A registered nurse by profession, she is the former vice president of Petra Management and is president of Rehabilitation Plus Care Inc., the company she formed in 1992; and

Whereas, Representative Caul incorporated her insights and experience in health care to public policy issues into her role as a legislator by serving on a number of work groups and task forces concerning health care and education issues. She has contributed a great deal to the appropriations process as a member of the House Appropriations Committee, as well as this legislative body during her years of service. Furthermore, in her capacity as chair of the House Appropriations Subcommittee on higher education, she was instrumental in developing a funding plan to help Michigan universities like Central Michigan University gain the biggest annual funding increase in the school's history. She has also been influential in the creation of such hallmark programs as the Michigan Merit Award and the Elder Prescription Insurance Program (EPIC); now, therefore, be it

Resolved by the House of Representatives, that we offer this expression of admiration and thanks to Representative Sandy Caul for her dedication to the people of this state as a member of the House of Representatives; and be it further

Resolved, That copies of this resolution be transmitted to Representative Caul as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 339.**

A resolution for the Honorable Matt Milosch.

Whereas, It is an honor to extend the highest wishes to Representative Matt Milosch as he brings to a close his service to this legislative body. A hardworking and dedicated lawmaker, Matt Milosch earned the respect and admiration of everyone he has touched in his legislative tenure; and

Whereas, A native of Lambertville, Matt Milosch earned a business degree at Northwood University and worked in the private sector as a golf course manager before bringing his talents and energy to the Michigan House in 2003. Prior to his election to this august body, Matt Milosch also served on the state Higher Education Facilities Commission; and

Whereas, Indeed, Matt Milosch brought his breadth of experience and business talents to all of his work as a lawmaker. He served with distinction on the House Tax Policy Committee, and dedicated himself to tax reform in many areas, including manufactured housing tax policy. He was also a member of the Commerce and Land Use and Environment Committees and Vice Chair of the Conservation and Outdoor Recreation Committee. In these posts, and in all of his efforts as a member of the Michigan House of Representatives, Matt Milosch demonstrated a spirit of concern that stands as clear evidence of his warmth of heart. We wish him the best; now, therefore, be it

Resolved by the House of Representatives, That the highest accolade of tribute be extended to Representative Matt Milosch as he brings to a close his term as a legislator; and be it further

Resolved, That copy of this resolution be presented to Representative Milosch as evidence of our esteem.  
Pending the reference of the resolution to a committee,  
Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.  
The motion prevailed, 3/5 of the members present voting therefor.  
The question being on the adoption of the resolution,  
The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 340.**

A resolution of tribute for the Honorable Jennifer Elkins.

Whereas, It is with great appreciation for her service to the people of Michigan in the House of Representatives that we join together to thank the Honorable Jennifer Elkins. Her rich background in community and local government service led her to Lansing, where she continued to focus on providing our children with a bright future; and

Whereas, Jennifer Elkins was first elected to public office in 1998, when she began the first of her two terms as a Clare County Commissioner. As a commissioner, Ms. Elkins was instrumental in fostering programs to help at-risk children, such as the Brighter Futures endowment fund. Hand-in-hand with her efforts to help children was Commissioner Elkins' key role in gaining a Renaissance Zone designation for Clare County in order to make bright futures possible right at home. Jennifer Elkins was also involved in a variety of civic organizations dedicated to improving the lives of children; and

Whereas, As a member of the Michigan House of Representatives in the Ninety-second Legislature, Representative Elkins has used her experience as a mother of two, community activist, and county commissioner to address her policy concerns at the state level; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Jennifer Elkins as she concludes her service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Elkins as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 341.**

A resolution of tribute for the Honorable Stephen R. Ehardt.

Whereas, It is with great appreciation for his service to the people of Michigan in the House of Representatives that we join together in commending Stephen Ehardt. His business, community, and local government experience served him well during his tenure, greatly benefiting Michigan. The members of this legislative body extend our thanks to a thoughtful legislator who brought unique insights to the legislative process; and

Whereas, Stephen Ehardt earned a degree in pharmacy and a certificate in pharmacy from Ferris State University. His business expertise as the president and CEO of Ehardt's Pharmacy was recognized by his colleagues, who supported him in his leadership roles in business and pharmacy associations. Indeed, he was recognized with the Distinguished Achievement Award in Community Pharmacy, and he passed his knowledge on to students at both the University of Michigan-Flint and Wayne State University. Mr. Ehardt also earned a wealth of experience in local government by serving for a decade on the Lexington village board of trustees and by serving four years on the planning commission; and

Whereas, In the 1998 election, the citizens of his district sent Stephen Ehardt to Lansing, where he has served with distinction. As his background suggests, Representative Ehardt contributed greatly to legislation to improve the health care system in Michigan. As the Chair of the Health Policy Committee, he was a key leader in legislation to help individuals with disabilities gain employment by preserving health care coverage. He has also assisted seniors in affording prescription drugs during his House tenure. His efforts to promote health care issues brought him further honors when a health advocacy organization named him a Legislator of the Year. Truly, Representative Ehardt has been tireless in his work to improve the health and well-being of Michiganians; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Stephen R. Ehardt as he concludes his service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Ehardt as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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



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

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 342.**

A resolution of tribute for the Honorable Mary Ann Middaugh.

Whereas, The members of the Michigan House of Representatives are indeed honored to salute one of their own, the Honorable Mary Ann Middaugh, upon the occasion of her retirement from the House. It is a special pleasure for the members of this legislative body to join in paying tribute to our friend and colleague, Representative Mary Ann Middaugh, for her outstanding contributions to the people of the Eightieth District and the state of Michigan during her six-year tenure in the House; and

Whereas, Representative Middaugh grew up on her family farm and was educated at Muskegon Community College and Muskegon Business College. She served as a legal assistant before she began her legislative career. She started working for the Michigan Senate in 1973, and from 1983-1998 she served as an administrative assistant to the Majority and Minority Floor Leaders of the House; and

Whereas, With these many experiences, it is not surprising that she was elected to represent Michigan citizens in the House of Representatives in 1998. Her leadership skills were soon recognized. Representative Middaugh was chosen to serve as Assistant Majority Floor Leader her first two terms. She also utilized her leadership skills in assisting interstate legislative organizations, and she was appointed to serve as state chair of the American Legislative Exchange Council and elected to the National Council of Insurance Legislators Executive Committee; and

Whereas, Representative Middaugh has had a diverse legislative career. During her years as a lawmaker, she served as chair of the House Energy and Technology Committee and vice chair of the House Employment Relations, Training and Safety Committee. She sponsored legislation in a host of areas, including telecommunications, child abuse, local government, watercraft, and highways; and

Whereas, Her dedication to the public interest and her leadership have been impressive, and we are grateful for her valuable contributions. In all areas of her life, her commitment, enthusiasm, gracefulness, and effectiveness have been commendable. She will be missed by her colleagues, for she has provided a blend of institutional knowledge, parliamentary skills, and substantive knowledge; now, therefore, be it

Resolved by the House of Representatives, That the highest tribute be accorded to the Honorable Mary Ann Middaugh, a respected colleague and fine public servant; and be it further

Resolved, That a copy of this resolution be transmitted to her as a reflection of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 343.**

A resolution for the Honorable Ken Daniels.

Whereas, It is an honor and a distinct privilege to take this opportunity to salute the Honorable Ken Daniels as he brings to a close his career as a member of the Michigan House of Representatives. As a member and Minority Vice Chair of the House Committee on Insurance and as a member of the House Committee on Energy and Technology, Ken Daniels brought all of his talents, abilities, and, above all, his spirit of concern for others to his efforts as a lawmaker. These efforts have paid great rewards for the people of Michigan; and

Whereas, Ken Daniels is a native of the city of Detroit. He attended the Detroit Public Schools and Wayne County Community College. He ultimately went on to lead the school system he attended with his 1995 appointment to the Detroit Board of Education. In 1998 he was elected to the first of his three consecutive terms with the House of Representatives. Since that time he has built a reputation as a hardworking and dedicated lawmaker; and

Whereas, Indeed, Ken Daniels' legislative accomplishments reflect his vision and firm belief in our system on self-government. His legislation on behalf of insurance consumers, school governance reform, and effective court administration, among other initiatives, will long continue to benefit those in his district and the entire State of Michigan. We wish him continued success; now, therefore, be it

Resolved by the House of Representatives, That this document is presented as an expression of our gratitude for the Honorable Ken Daniels as he brings to a close his career as a member of the House of Representatives; and be it further

Resolved, That a copy of this document be presented to Representative Daniels as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

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

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 344.**

A resolution for the Honorable Marc Shulman.

Whereas, It is with great appreciation for his exemplary leadership in the service of our state that we honor and thank Marc Shulman for his dedication to the people of this state as a member of the Michigan House of Representatives over the past six years. His integrity and sense of duty have contributed a great deal to responsible government policies in Michigan, and his impact will long be felt; and

Whereas, A graduate of Michigan State University and Cooley Law School, Marc Shulman has compiled a distinguished record of achievement as an attorney. His efforts as a clerk for the United States District Court, in private practice since 1981, and a special assistant Attorney General have given him great insights into the role of the law in the lives of citizens and the operation of businesses. These experiences, coupled with his service in local government as a West Bloomfield Township Trustee and his involvement in civic and legal groups, led to his election in 1998 to the first of his three terms in the Michigan House; and

Whereas, Representative Shulman's tenure as a lawmaker has been highlighted by his hard work as the chair of the House Appropriations Committee during a period of serious financial difficulties for this state and our nation in the wake of the September 11<sup>th</sup> attacks. His solid commitment to fiscal responsibilities, especially as the state has grappled with some of the most difficult budget crises in memory, has proven invaluable. He has also strengthened the state's judiciary through the sponsorship of measures to increase the use of technology in our courts; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Marc Shulman for his distinguished efforts on behalf of this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Shulman as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 345.**

A resolution for the Honorable Jack D. Minore.

Whereas, It is with great respect for his many contributions to our state during his years as a lawmaker that we honor and thank Jack Minore. His successful tenure in this legislative body has greatly benefited the Forty-ninth District. His high standards have helped in the development of legislation and public policy decisions that will serve our state well in the years to come; and

Whereas, Representative Minore, a native of Flint, was a teacher for 31 years, with experience at all levels, from elementary school to college. Prior to being elected to the Michigan House of Representatives, he served 15 years on the Flint City Council, with two terms as President and three terms as Vice-President. He has also served as the Executive Director for the Genesee County Bar Association, gaining useful experience in budgeting, personnel, and management. His commitment to numerous grass roots community organizations, including the Flint River Watershed Coalition, Friends of the Flint River Trail, and the Flint Institutes of Music and Arts, has also given him invaluable insights into the needs of his community; and

Whereas, Representative Minore's experience, education, and knowledge have proven invaluable throughout his tenure as a legislator. He has served as minority vice chair on the Employment Relations, Training and Safety Committee and as a member of the Tax Policy Committee. Representative Minore has been an asset in discussions concerning income tax, employment, and retirement issues; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Jack D. Minore as he concludes his service with the Michigan House of Representatives; and be it further

Resolved, That copies of this resolution be transmitted to Representative Minore as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 346.**

A resolution for the Honorable Mickey Mortimer.

Whereas, As Representative Mickey Mortimer completes his tenure with the Michigan House of Representatives, it is a pleasure to salute him and express our gratitude for his contributions to the work of the Ninety-second Legislature. His diligence and dedication have been of great value and represent a commitment to the service of others that has marked his life; and

Whereas, Mickey Mortimer, who studied at Jackson Community College and earned his bachelor's degree from Ferris State University, distinguished himself in the business world in several capacities and in leadership roles in a host of community groups in the greater Jackson area before turning his skills to elective office as the Jackson County Clerk from 1993 to 1998; and

Whereas, Representative Mortimer's background in business has proven invaluable throughout his efforts as a lawmaker, from 1999 to 2002 and since he rejoined the House following a special election in 2003. He has been an advocate for economic development and an effective member of the House Appropriations Committee. As the state has grappled with difficult financial challenges, his skills and insights have been appreciated by colleague and staff alike. His talents and devotion to our state have provided an example of unselfishness; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Mickey Mortimer in gratitude for his contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Mortimer as evidence of our appreciation and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 347.**

A resolution for the Honorable Artina Tinsley Hardman.

Whereas, As she brings to a close a distinguished tenure of service as a member of the Michigan House of Representatives, it is a privilege to salute the Honorable Artina Tinsley Hardman. Indeed, Artina Tinsley Hardman was elected to the first of her three consecutive terms in the House in 1998. Since that time she has compiled an outstanding record of service on behalf of the people of her district and the entire state of Michigan. She is to be commended; and

Whereas, Artina Tinsley Hardman's work as a lawmaker personifies her life as a concerned and active member of society. From efforts on behalf of youth health, safety, and employment to service on behalf of her church and community, Artina Tinsley Hardman exemplified the finest qualities of the human spirit; and

Whereas, As a member of the House, Artina Tinsley Hardman served with distinction as the Minority Vice Chair of the Committee on Family and Children Services and as a member of the Health Policy and Local Government and Urban Policy Committees. As evidence of the respect in which she is held, Representative Hardman was also selected to be the chair of the Michigan Legislative Black Caucus; and

Whereas, Service, it is said, is the rent we pay for our space on Earth. Clearly, Artina Tinsley Hardman has more than paid her rent. Her work on legislation to benefit juvenile justice, support grandparent rights, quality health care, and, enhance the rights of all speaks volumes to her warmth of heart and concern for the well-being of others; now, therefore, be it

Resolved by the House of Representatives, That the highest accolade of tribute be extended to honor Artina Tinsley Hardman as she brings to a close a distinguished tenure of service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this document be presented to the Honorable Artina Tinsley Hardman as evidence of our esteem and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 348.**

A resolution for the Honorable William J. O'Neil.

Whereas, As he completes his third term of dedication to this state as a member of this legislative body, we are proud to offer this expression of our thanks and admiration to Representative William O'Neil. His belief in public service and commitment to the legislative process have served not only the people of his Downriver district but our entire state; and

Whereas, A lifelong resident of Allen Park, William O'Neil earned his bachelor's degree at Eastern Michigan University. In addition to his own business activities, he has devoted his talents to a host of community organizations, including many devoted to young people. Prior to his election to the House of Representatives in 1998, William O'Neil compiled a distinguished record of service in elective local government posts. These responsibilities include leadership on the Allen Park City Council and 12 years of service as a member of the Wayne County Board of Commissioners; and

Whereas, His extensive experience in city and county government have proven invaluable to Representative O'Neil's efforts in Lansing. His understanding has been appreciated by legislators and staff, especially those with whom he has worked in his committee responsibilities, including his efforts as a member of the Tax Policy Committee throughout his tenure as a lawmaker; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable William J. O'Neil for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative O'Neil as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 349.**

A resolution of tribute for the Honorable James L. Koetje.

Whereas, It is a privilege for this legislative body to thank and commend the Honorable James L. Koetje on the occasion of his departure from the Michigan House of Representatives. Representative Koetje used his experience as a practicing attorney to further the legislature's role in oversight of state government functions to improve job opportunities within the state; and

Whereas, James L. Koetje earned a bachelor's degree from Calvin College and a law degree from Valparaiso University School of Law. He went on to build a thriving law practice that gave him practical legal experience that he would put to good use in public service. He put his public service ideal to work in local church and school organizations, where he served as President of the board of an adult foster care facility and as President of a Grandville Christian School foundation. He also was the president of American Business Clubs. He entered government service in Grandville, where he served for five years on the city council. He was also a member of the city's zoning board of appeals; and

Whereas, When the opportunity to serve the state arose, James L. Koetje stepped forward. In 1998, he was elected to the first of his three terms in the Michigan House of Representatives. Representative Koetje was diligent in his efforts to make sure state expenditures efficiently and effectively served the public. Representative Koetje's attention to detail benefited our state in a number of special assignments. He played a major role in reviewing Detroit Metropolitan Airport and examined the operations of the Detroit regional water system. With his background in business law guiding him, regulatory reform and business development were also issues he promoted. Truly, James L. Koetje may be proud of his service to his community and state; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative James L. Koetje as he concludes his service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Koetje as evidence of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 350.**

A resolution for the Honorable Doug Hart.

Whereas, As he concludes his service as a member of this legislative body, it is most appropriate to honor and thank Representative Doug Hart for his excellent efforts over the past six years. His energy and enthusiasm for public service have strengthened our state and advanced debate on many of the notable issues before us; and

Whereas, A graduate of Calvin College, Doug Hart worked as a middle school teacher before redirecting his concerns for young people to the legislative arena, first as an aide and, since 1999, as a legislator representing the people of his Kent County district. He has also expressed his deep interest in encouraging young people through his leadership in community initiatives to provide job training and encouragement to urban youth and his work to establish better civics education resources within the state. His interest in teaching young people about government has also extended to students in other countries; and

Whereas, Representative Hart's efforts on behalf of education and young people have been evident in his legislation and his committee responsibilities. He served as the chair of the House Family and Children Services Committee for two terms. While on the Family and Children Services Committee, Doug Hart was the "go to" person in the House on welfare, child support, child protection, etc. He played a key role in shepherding through several packages dealing with childcare, welfare reform, child protection, and related issues; and

Whereas, Doug Hart has been known as a leading advocate for civic education and service learning during his six years in the Michigan House. He was a member of the House Education Committee for all three of his terms. He chaired the House Education Subcommittee on Service Learning and Civic Education and the Blue Ribbon Panel on the Civic Good of Higher Education, and in 2003 began the Michigan House Civics Commission, an ad hoc committee of 24 state representatives that travel throughout the state and hear legislative ideas from K-12 students. This diligence has been deeply appreciated by his community and his colleagues in the House; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend the Honorable Doug Hart and thank him for his dedication as a member of the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Hart as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 351.**

A resolution of tribute to the Honorable Charles LaSata.

Whereas, It is with gratitude for his fine service to this legislative body over the past six years that we are proud to commend Representative Charles LaSata. As the Representative of the Seventy-ninth District, he has served the citizenry with utmost distinction and has earned the respect of his colleagues, his constituents, and the people of Michigan. As he leaves his responsibilities as a lawmaker to serve as a Circuit Court Judge in Berrien County, we are proud to salute him in gratitude for his excellent efforts; and

Whereas, Representative LaSata was born in Berrien County and received a bachelor of arts degree in political science from Kalamazoo College and a law degree from the Catholic University of America. He has been in the private practice of law, and he has served his community in innumerable ways by contributing to various civic organizations. He began his public service as the youngest person elected to the St. Joseph City Commission, a position he held for four years. Then, in 1995 he was again the youngest person elected, but this time to the post of mayor of St. Joseph; and

Whereas, This able man has contributed significantly in the Michigan House of Representatives. For four years, he was a member of the House Appropriations Committee and served as chair of the Corrections Subcommittee and contributed to the work of several other subcommittees. More recently, he has served on the Judiciary, Criminal Justice, Energy and Technology and Higher Education Committees. He has also contributed as the prime sponsor of legislation in a number of areas, including corrections and school aid. His dedication to the public interest and his leadership as a lawmaker have been impressive, and we wish him much future success; now, therefore, be it

Resolved by the House of Representatives, That the highest accolade of praise be accorded the Honorable Charles LaSata, in recognition of his distinguished service in the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to the Honorable Charles LaSata as a reflection of the high regard we have for him.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 352.**

A resolution of tribute for the Honorable John Pappageorge.

Whereas, It is a sincere pleasure to commend our friend and colleague, the Honorable John Pappageorge, and to acknowledge formally the outstanding job he has done as a member of the Michigan Legislature. We join with those he has served so effectively in expressing our appreciation for his dedicated efforts throughout his service in this legislative body; and

Whereas, Representative Pappageorge has been in public service almost his entire life. He was raised on the east side of Detroit, and he graduated from the United States Military Academy at West Point in 1954. He served in the United States Army in a number of diverse roles as a soldier, diplomat, student, teacher, and analyst. His military career spanned 30 years, including two combat tours in Vietnam and the last four years of his military career with the U.S. Secretary of State's Policy Planning Council; and

Whereas, Throughout his career, Representative Pappageorge has served the residents of Oakland County District with distinction, always demonstrating a sincere concern for the best interest of his district and the state. As an effective and hardworking member of the House, Representative Pappageorge has had key roles. For two sessions, he was chair of the General Government Appropriations Subcommittee and vice chair of the State Police/Military and Veterans Affairs Appropriations Subcommittee, and also served on the Judicial Subcommittee and the Joint Capitol Outlay Committee. He also served as majority caucus chair during his first term. In the present session, he has been serving as chair of the Joint Committee on Administrative Rules, and is also serving on the Judiciary Committee, the Senior Health, Security and Retirement Committee, the Veterans Affairs and Homeland Security Committee, and the Employment Relations, Training and Safety Committee. He has sponsored legislation in a number of areas including measures to help military families cope as their loved ones serve their country; and

Whereas, In every endeavor, Representative Pappageorge has added his unique perspective, concern, and diligence in public service to the work of the Michigan Legislature. His efforts to enhance the quality of life for his constituents, as well as all of us in Michigan, merit our praise and heartfelt appreciation; now, therefore, be it

Resolved by the House of Representatives, That tribute is hereby accorded to express our gratitude and admiration to the Honorable John Pappageorge for his service to the people of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to him as a reflection of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 353.**

A resolution for the Honorable Scott Shackleton.

Whereas, It is with great admiration for his commitment to the people of the One Hundred Seventh District, as well as the entire state, that we honor Representative Scott Shackleton as he ends his tenure of service as a member of this legislative body. His expertise in policy making and commitment to excellence in public service greatly enriched the efforts of the legislature over the past six years; and

Whereas, Scott Shackleton graduated from Lake Superior State University. Prior to his election to the House of Representatives, he served on the Sault Ste. Marie City Commission, worked as a sales manager and news director for WSOO-WSUE Radio, and as an intern for U.S. Congressman Bob Davis. He also served as a member and volunteer with numerous professional, civic, and community organizations.

Whereas, Representative Shackleton has utilized his many skills and abilities as a member of the Appropriations Committee and chair of the House Appropriations Subcommittees on Joint Capital Outlay, and Transportation. He also served as chair of the Great Lakes and Tourism committee, in his first term. His efforts as a lawmaker, which include legislation in the areas of transportation, vehicles, natural resources protection, tourism, and benefits for veterans and law enforcement, have strengthened our state in many ways; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Scott Shackleton for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That copies of this resolution be transmitted to Representative Shackleton as evidence of our gratitude and best wishes.

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 Select Committees

#### Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

The Senate has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

#### First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

#### Senate Bill No. 1105, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

Recommends:

First: That the Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

#### THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2153. (1) ~~The valuation of lands described in section 2152, for the purposes of this subpart, shall be fixed by the state tax commission on or before~~ **For purposes of this subpart, the state tax commission shall determine the valuation of real property described in section 2152 before February 1 of each year. ~~and the state tax commission shall, on or before~~ The state tax commission shall determine the valuation of real property as provided in subsection (7).**

(2) **Not later than** February 15 of each year, **the state tax commission shall** make a report to the assessing districts of ~~the this~~ state in which the ~~lands are~~ **real property is** located, giving a description of the ~~land~~ **real property** in the assessing district held by the state ~~with~~ **and** the valuation as fixed by the state tax commission **pursuant to subsection (7).** ~~The~~

(3) **Except as otherwise provided in subsection (7), the state tax commission shall furnish a value valuation** to the assessing officers that shall be at the same value as other **real property** is assessed in the assessment district. In fixing the valuation, the state tax commission shall not include improvements made to or placed upon ~~such lands~~ **that real property.**

(4) Upon receipt of the ~~report by~~ **valuation under subsection (3), the assessing officer, ~~he or she~~ shall enter upon the assessment rolls of each municipality or assessing district the respective descriptions of the lands with real property and the fixed value valuation and, except as otherwise provided in subsection (5), shall assess such lands that real property** for the purposes of this subpart at the same rate as other real property in the assessing district. ~~except that adjustment to~~ **A local taxing unit may by resolution permanently exempt that real property from any tax levied by that local taxing unit. As used in this subsection, "local taxing unit" means a city, village, township, county, school district, intermediate school district, community college, authority, or any other entity authorized by law to levy a tax on real property.**

(5) **Except as limited in subsection (6) and as otherwise provided in subsection (7), the assessing officer may adjust the value certified valuation determined** by the state tax commission. ~~may be made by the assessing officer to reflect any general adjustment of assessed valuation from the prior year that is not included in the state tax commission computation.~~ If an adjustment to the ~~value~~ **valuation** certified by the state tax commission is made, the assessing officer shall certify **all of the following** to the department, not later than the first Wednesday after the first Monday in March: ~~the~~

(a) **The amount and percentage of any general adjustment of assessed valuation and the of property located in the assessing district other than property described in section 2152.**

(b) **The amount and percentage of any change in the assessment roll. ~~the~~**

(c) **The relation of the total valuation to that reported by the state tax commission. ~~and the~~**

(d) **The adjusted total of conservation land.**

(6) **The following shall not be included in an adjustment under subsection (5):**

(a) **Any general adjustment of assessed valuation of property located in the assessing district.**

(b) Assessments for special improvements. ~~shall not be included.~~

(c) ~~Any millage in excess of the millage rate levied in 2004.~~

(d) The tax levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(7) Property valuations shall be established as follows:

(a) For property valuations established under this subpart in 2004, the 2004 valuation shall be the valuation of the property in 2004 through 2008.

(b) In 2009 and each year after 2009, the valuation of property shall not increase each year by more than the increase in the immediately preceding year in the general price level or 5%, whichever is less. As used in this subdivision, "general price level" means that term as defined in section 33 of article IX of the state constitution of 1963.

(c) If property is acquired after 2004, the initial property valuation determined under this section shall be the valuation for each subsequent year until the next adjustment under subdivision (b) occurs.

Sec. 2154. (1) The treasurer or other officer charged with the collection of taxes for an assessing district shall annually forward a single statement of the assessment of all property for which payment is claimed under this subpart to the Lansing office of the department, ~~which at the same time that statements are mailed for a winter property tax levy under section 44 of the general property tax act, 1893 PA 206, MCL 211.44. The statement shall include an itemization of the valuation and assessment for each individual parcel for which payment is claimed under this subpart. The Lansing office of the department shall review the statement. and Subject to subsection (2), if the amount of the assessment has been determined according to this subpart, authorize the state treasurer to pay the amount of the assessment by warrant on the state treasury.~~

(2) ~~If the amount of the assessment is not paid within the time provided for the payment of property taxes pursuant to the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws, interest and penalties may be imposed by the local property tax collecting unit in the same manner provided for delinquent property taxes in Act No. 206 of the Public Acts of 1893. However, interest and penalties shall not be imposed for a tax that is collected in the summer for the first time by a local property tax collecting unit. Beginning in state fiscal year 2005, the aggregate amount for all payments to all assessing districts under subsection (1) shall be charged as follows:~~

(a) Payments in state fiscal year 2005 shall be charged as follows:

(i) Not more than 50% from the restricted revenue sources of the department of natural resources.

(ii) The remaining balance after the charge under subparagraph (i) from the general fund.

(b) Payments in state fiscal year 2006 and each state fiscal year after 2006 shall be charged as follows:

(i) That portion of the payment that represents an assessment by a local school district, intermediate school district, or community college district shall be charged against the state school aid fund established in section 11 of article IX of the state constitution of 1963.

(ii) The balance of any payment remaining after the charge made in subparagraph (i) shall be charged as follows:

(A) Not more than 50% from restricted revenue sources of the department of natural resources.

(B) The remaining balance after the charge under sub-subparagraph (A), from the general fund.

(3) For the 2004 state fiscal year and each state fiscal year after 2004, if the amount available for payment to all local assessing districts from the general fund or from any restricted fund is less than the amount required for payment to all local assessing districts from the general fund or from any restricted fund, the amount available for payment to each local assessing district shall be distributed in the same proportion from the general fund or from any restricted fund that the required payment to that local assessing district is to the total of all required payments from the general fund or from any restricted fund. Partial payments do not satisfy payments obligated by this state.

Second: That the Senate and House agree to the title of the bill to read as follows:

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 sections 2153 and 2154 (MCL 324.2153 and 324.2154), as added by 1995 PA 60.

Michelle McManus  
Shirley Johnson  
Conferees for the Senate

Howard Walker  
Mike Pumford  
Rich Brown  
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.



**Reports of Standing Committees**

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 517, entitled**

A bill to amend 1984 PA 427, entitled "Municipal employees retirement act of 1984," by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was 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. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick and Tobocman

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 929, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3140, 3240, 6062, and 6066 (MCL 600.3140, 600.3240, 600.6062, and 600.6066), section 3240 as amended by 2000 PA 380; and to repeal acts and parts of acts.

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 and laid over one day under the rules.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Drolet, Stakoe, Jamnick, Tobocman and Accavitti

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 930, entitled**

A bill to amend 1899 PA 188, entitled "Michigan estate tax act," by amending section 3 (MCL 205.203), as amended by 1993 PA 54.

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. Ward, Robertson, DeRossett, Drolet, Stakoe and Jamnick

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 931, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 48i and 49j (MCL 125.1448i and 125.1449j), section 48i as added by 1981 PA 173 and section 49j as amended by 1993 PA 221.

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. Ward, Robertson, DeRossett, Drolet, Stakoe and Jamnick

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 1266, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

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. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick and Tobocman

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**Senate Bill No. 1409, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending section 3 (MCL 24.403) and by adding section 6.

Without amendment and with the recommendation that the bill pass.

The bill was 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. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick and Tobocman

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, December 7, 2004

Present: Reps. Ward, Robertson, DeRossett, Drolet, Stakoe, Wenke, Jamnick, Tobocman and Accavitti

Absent: Reps. Hager and Hardman

Excused: Reps. Hager and Hardman

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 823, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 807, 808, 810a, and 821 (MCL 600.504, 600.807, 600.808, 600.810a, and 600.821), sections 807, 808, and 821 as amended by 2003 PA 40 and sections 504 and 810a as amended by 2002 PA 715.

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

1. Amend page 4, line 11, after "Lake," by striking out "**Barry, Berrien,**".
2. Amend page 4, line 12, by striking out "**Isabella,**" and inserting "**and**".
3. Amend page 4, line 12, after "**Ontonagon**" by striking out the comma and "**Otsego, and Van Buren**".
4. Amend page 5, line 5, after "of" by inserting "**the**".

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. Howell, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Lipsey, Adamini, Condino and Smith

Nays: Reps. Van Regenmorter and Bradstreet

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 7, 2004

Present: Reps. Howell, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Condino and Smith

Absent: Reps. LaSata and Bieda

Excused: Reps. LaSata and Bieda

The Committee on Government Operations, by Rep. Koetje, Chair, reported

**Senate Bill No. 1317, entitled**

A bill to create the Ronald Wilson Reagan memorial monument fund commission to govern the Ronald Wilson Reagan memorial monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for penalties; and to provide for dissolution of the commission.

Without amendment and with the recommendation that the bill pass.

The bill was 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. Koetje, Drolet and Howell

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, December 7, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 7, 2004

Present: Reps. Palmer, Hummel, Bradstreet, Hart, Ruth Johnson, Voorhees, Vander Veen, Nofs, Stahl, Vagnozzi and Spade

Absent: Reps. Meyer, Hager, Tabor, Gielegheem, Smith, Hopgood, Meisner and Clack

Excused: Reps. Meyer, Hager, Tabor, Gielegheem, Smith, Hopgood, Meisner and Clack

## Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 6029**, Reps. Hune, Palsrok and O'Neil.

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 6029, entitled**

A bill to amend 1917 PA 273, entitled "An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies," by amending sections 9 and 11 (MCL 446.209 and 446.211), as amended by 1998 PA 233.

The Senate has appointed Senators Allen, Kuipers and Schauer as conferees to join with Representatives Hune, Palsrok and O'Neil.

The bill was referred to the Conference Committee.

**House Bill No. 6226, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 303d (MCL 600.303d), as added by 1993 PA 190.

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. 4868, entitled**

A bill to establish and protect the rights of manufactured home park tenants; to prescribe the powers and duties of certain agencies and departments; and to provide remedies and penalties.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5) and ordered that it be given immediate effect.

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

**House Bill No. 5670, entitled**

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 24, 41, 42, 45, 45a, 51, and 52 (MCL 24.224, 24.241, 24.242, 24.245, 24.245a, 24.251, and 24.252), sections 24, 41, 42, 45, 45a, and 52 as amended by 2004 PA 23.

The Senate has amended the bill as follows:

1. Amend page 16, following line 3, by inserting:

"Enacting section 1. This amendatory act takes effect January 12, 2005.

Enacting section 2. This amendatory act applies to rules transmitted to the joint committee on administrative rules on or after January 12, 2005. Rules transmitted to the joint committee on administrative rules before January 12, 2005, shall be processed according to the act as it existed before January 12, 2005."

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

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

**House Bill No. 6235, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

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 pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 6310, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

The Senate has amended the bill as follows:

1. Amend page 2, line 26, after "**section**" by striking out "**8(1)**" and inserting "**18(1)**".

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

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

**House Concurrent Resolution No. 68.**

A concurrent resolution to memorialize the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center.

(For text of concurrent resolution, see House Journal No. 80, p. 2176.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

**House Concurrent Resolution No. 70.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to Constitution Hall.

(For text of concurrent resolution, see House Journal No. 85, p. 2470.)

The Senate has adopted the concurrent resolution and named Senator Jacobs as co-sponsor.

The concurrent resolution was referred to the Clerk for record.

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Education from further consideration of **Senate Bill No. 222**.

Rep. Palmer

**Messages from the Governor**

The following message from the Governor was received December 6, 2004 and read:

**EXECUTIVE ORDER**

**No. 2004 - 36**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH****COUNCIL FOR LABOR AND ECONOMIC GROWTH**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for taking care that the laws be faithfully executed;

WHEREAS, the State of Michigan is committed to preparing both current and future workers for highly-skilled and high-wage jobs;

WHEREAS, the State of Michigan has the responsibility to afford all Michigan citizens the chance to participate in quality employment and training programs;

WHEREAS, the State of Michigan has the responsibility to streamline workforce development programs and to develop a citizen-friendly, performance-oriented delivery system;

WHEREAS, Executive Order 1983-1 established the Michigan Job Training Coordinating Council and was amended by Executive Order 1985-15;

WHEREAS, under Executive Order 1993-3, the Michigan Job Training Coordinating Council was abolished, Executive Orders 1983-1 and 1985-15 were rescinded, and the Governor's Workforce Commission was established;

WHEREAS, under Executive Order 1994-26 a new Governor's Workforce Commission was established and the Governor's Workforce Commission created under Executive Order 1993-3 was abolished;

WHEREAS, the federal Workforce Investment Act of 1998, Public Law 105-220, 29 USC 2801 to 9201, was enacted to provide workforce investment activities that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants to improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation;

WHEREAS, under Section 111 of the federal Workforce Investment Act of 1998, Public Law 105-220, as amended, 29 USC 2821, the Governor must establish a state workforce investment board;

WHEREAS, under Executive Order 2002-5, the Michigan Workforce Investment Board was established and the Governor's Workforce Commission created under Executive Order 1994-26 was abolished;

WHEREAS, changes in the structure of the Michigan Workforce Investment Board created under Executive Order 2002-5 are necessary to reflect the current organizational structure of state government and to comply with federal law;

WHEREAS, changes in the structure of the Michigan Workforce Investment Board will facilitate a statewide policy dialogue involving local workforce boards, universities, community colleges, K-12 schools, and other key stakeholders;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, and under Michigan and federal law, order the following:

**I. DEFINITIONS**

As used in this Order:

A. "Adult" means that term as defined under Section 101(1) of the federal Workforce Investment Act of 1998, 29 USC 2801(1).

B. "Chief Elected Official" means a chief elected executive officer of a Unit of General Local Government in a Local Area, or when the Local Area includes more than one Unit of General Local Government, the individuals designated under a Local Board agreement required under Section 117(c)(1)(B) of the federal Workforce Investment Act of 1998, 29 USC 2832(c)(1)(B).

C. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

D. "Community Based Organization" means a nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment.

E. "Council" means the Council for Labor and Economic Growth created under this Order.

F. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

G. "Department of Community Health" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

H. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

I. "Dislocated Worker" means that term as defined under Section 101(9) of the federal Workforce Investment Act of 1998, 29 USC 2801(9).

J. "Employment and Training Activity" means an activity described in Section 134 of the federal Workforce Investment Act of 1998, 29 USC 2864, that is carried out for an Adult or Dislocated Worker.

K. "Family Independence Agency" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, and renamed the Family Independence Agency under Section 1 of the Social Welfare Act, 1939 PA 280, MCL 400.1.

L. "Labor Federation" means an alliance of 2 or more organized labor unions for the purpose of mutual support and action, including, but not limited to the AFL-CIO state federation, state building and construction trade councils, AFL-CIO central labor councils, and local building and construction trade councils.

M. "Local Area" means a local workforce investment area designated under Section 116 of the federal Workforce Investment Act of 1998, 29 USC 2831.

N. "Local Board" means a local workforce investment board established under Section 117 of the federal Workforce Investment Act of 1998, 29 USC 2832.

O. "State Adjusted Level of Performance" means a level described in clause (iii) or (v) of Section 136(b)(3)(A) of the federal Workforce Investment Act of 1998, 29 USC 2871(b)(3)(A).

P. "State Performance Measure" means a performance measure established under Section 136(b) of the federal Workforce Investment Act of 1998, 29 USC 2871(b).

Q. "Statewide Workforce Investment System" means a system of activities funded under Subtitle B of Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2872, or carried out through a one-stop delivery system described under Section 134(c) of the federal Workforce Investment Act of 1998, 29 USC 2864(c), that receives funding under Subtitle B of Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2872. A "Statewide Workforce Investment System" includes both of the following:

1. Development of linkages in order to assure coordination and non-duplication among the programs and activities described in Section 121(b) of the federal Workforce Investment Act of 1998, 29 USC 2841(b).

2. Review of local plans under the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201.

R. "Michigan Economic Development Corporation" means the public body corporate created under Section 28 of Article VII of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

S. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, transferred to the Department of Management and Budget under Executive Order 1999-1, and transferred to the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

T. "One Stop Partner" means an entity that meets both of the following:

1. Is an entity described under Section 121(b)(1) of the federal Workforce Investment Act of 1998, 29 USC 2941(b)(1).
2. Is an entity participating, with the approval of the Local Board and Chief Elected Official, in the operation of a one-stop delivery system under the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201.

U. "Unit of General Local Government" means a general purpose political subdivision of this state that has the power to levy taxes and spend funds, and that has general corporate and police powers.

V. "Workforce Investment Activity" means the array of activities permitted under Title I of the federal Workforce Investment Act of 1998, 29 USC 2801 to 2940, including Employment and Training Activities and Youth Activities.

W. "Youth Activity" means an activity described under Section 129 of the federal Workforce Investment Act of 1998, 29 USC 2854.

## **II. CREATION OF COUNCIL FOR LABOR AND ECONOMIC GROWTH**

A. The Council for Labor and Economic Growth is created as an advisory body within the Department of Labor and Economic Growth and shall be the state workforce investment board required for this state under Section 111 of the federal Workforce Investment Act of 1998, 29 USC 2821.

B. The Council shall consist of the members described under Sections II.C to II.G.

C. The Governor shall be a member of the Council, as required under Section 111(b)(1)(A) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(A).

D. As required under Section 111(b)(1)(B) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(B), 2 members of the Michigan House of Representatives shall be appointed members of the Council by the Speaker of the House of Representatives, who serves as the presiding officer of the House of Representatives under Rule 5 of the Rules of the Michigan House of Representatives. A member appointed under this Section II.D shall serve only while a member of the Michigan House of Representatives.

E. As required under Section 111(b)(1)(B) of the Workforce Investment Act of 1998, 29 USC 2821(b)(1)(B), 2 members of the Michigan Senate shall be appointed members of the Council by the Lieutenant Governor, who serves as the presiding officer of the Michigan Senate under Section 25 of Article V of the Michigan Constitution of 1963 and under Rule 1.101 of the Rules of the Michigan Senate. A member appointed under this Section II.E shall serve only while a member of the Michigan Senate.

F. The following members appointed by the Governor:

1. Not less than 19 individuals representing business in this state, appointed from a list of individuals nominated by state business organizations or business trade associations, and meeting both of the following criteria:

a. The individual is an owner of a business, a chief executive of a business, a chief operating officer of a business, or other business executive or employer with optimum policy making authority or hiring authority, including a member of a Local Board representing business in the Local Area for that board.

b. The individual represents businesses with employment opportunities that reflect the employment opportunities of this state.

2. Not less than 2 Chief Elected Officials.

3. Not less than 4 individuals representing labor organizations who have been nominated by a Labor Federation in this state.

4. Not less than 2 individuals representing individuals and organizations that have experience with respect to Youth Activities.

5. Not less than 2 individuals representing individuals and organizations that have experience and expertise in the delivery of Workforce Investment Activities, including chief executive officers of community colleges and Community Based Organizations within this state. An individual with "expertise in the delivery of Workforce Investment Activities" includes an individual who is an official with a One Stop Partner program and a person with documented expertise relating to the One Stop Partner program.

6. The Governor may appoint additional members to the Council, including, but not limited to, representatives of a One Stop Partner program where no lead state agency has responsibility for the program or state agency officials responsible for economic development, child support, juvenile justice, or rehabilitation programs in this state.

G. The following state officers shall be ex officio, voting members of the Council:

1. The Director of the Department of Community Health.

2. The Director of the Department of Labor and Economic Growth.

3. The Director of the Family Independence Agency.

4. The Superintendent of Public Instruction.

H. As required under Section 111(b)(2) of the federal Workforce Investment Act, 29 USC 2821(b)(2), members of the Council appointed under Sections II.C to II.G that represent organizations, agencies, or other entities shall be individuals with optimum policy making authority within the organizations, agencies, or entities. For purposes of this Section II, an individual with "optimum policy making authority" is an individual who can reasonably be expected to speak affirmatively on behalf of the entity he or represents and to commit that entity to a chosen course of action.

I. As required under Section 111(b)(2) of the federal Workforce Investment Act, 29 USC 2821(b)(2), members of the Council appointed under Sections II.C to II.G shall also represent diverse regions of this state, including urban, rural, and suburban areas.

J. As required under Section 111(b)(3) of the federal Workforce Investment Act, 29 USC 2821(b)(3), a majority of the members of the Council shall be members appointed under Section II.F.1.

K. Of the 2 Council members initially appointed by the Speaker of the House of Representatives under Section II.D, 1 member shall be appointed for a term expiring on April 30, 2005, and 1 member shall be appointed for a term expiring on April 30, 2006. Of the 2 Council members initially appointed by the Lieutenant Governor under Section II.E, 1 member shall be appointed for a term expiring on April 30, 2007, and 1 member shall be appointed for a term expiring on April 30, 2008. Of the Council members initially appointed by the Governor under Section II.F, approximately 25% of the members shall be appointed for a term expiring on April 30, 2005, approximately 25% of the members shall be appointed for a term expiring on April 30, 2006, approximately 25% of the members shall be appointed for a term expiring on April 30, 2007, and approximately 25% of the members shall be appointed for a term expiring on April 30, 2008. After the expiration of the initial terms under this Section II.J, Council members shall be appointed for four-year terms expiring on April 30.

L. To encourage coordination and cooperation between the Council and the Michigan Economic Development Corporation, and the more effective alignment of workforce and economic development efforts in this state, not less than 2 of members appointed under Sections II.F.1 to II.F.6 shall also be members of the Executive Committee of the Board of Directors of the Michigan Economic Development Corporation.

M. As required under Section 111(c) of the federal Workforce Investment Act, 29 USC 2821(c), the Governor shall designate from among the members appointed under Section II.F.1 a Chairperson for the Council. The Chairperson shall serve as Chairperson at the pleasure of the Governor.

N. The Governor shall designate from among the members of the Council a Vice-Chairperson who shall serve as Vice Chairperson at the pleasure of the Governor and act as Chairperson of the Council in the absence of the Chairperson.

O. A vacancy on the Council created other than by the expiration of the term of a member of the Council shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member may be reappointed for additional terms.

### **III. CHARGE TO THE COUNCIL**

A. The Council is advisory in nature and shall advise and assist the Governor regarding compliance with the federal Workforce Investment Act of 1998, 29 USC 2801 to 9201 ("Act") and any regulations issued pursuant to the Act, including, but not limited to, each of the following:

1. The development of a state plan outlining a 5-year strategy for the Statewide Workforce Investment System for this state, as required under Section 112 of the federal Workforce Investment Act of 1998, 29 USC 2822.

2. The development and continuous improvement of a Statewide Workforce Investment System.

3. To the extent required under federal law, commenting at least once annually on any measures taken under Section 113(b)(14) of the federal Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2323(b)(14), or any successor statute.

4. Designation of Local Areas as required under Section 116 of the federal Workforce Investment Act of 1998, 29 USC 2831.

5. Development of allocation formulas for the distribution of funds for Adult Employment and Training Activities and Youth Activities to Local Areas as permitted under Sections 128(b)(3)(B) and 133(b)(3)(B) of the federal Workforce Investment Act of 1998, 29 USC 2853(b)(3)(B) and 2863(b)(3)(B).

6. Development and continuous improvement of comprehensive State Performance Measures, including State Adjusted Levels of Performance to assess the effectiveness of Workforce Investment Activities in this state as required under Section 136(b) of the federal Workforce Investment Act of 1998, 29 USC 2871(b).

7. Preparation of an annual report to the Secretary of the United States Department of Labor, as described in Section 136(d) of the federal Workforce Investment Act of 1998, 29 USC 2871(d).

8. Development of the statewide employment statistics system described under section 15(e) of the federal Wagner-Peyser Act, 20 USC 491-2(e).

9. Development of an application and application process for an incentive grant under Section 503 of the federal Workforce Investment Act of 1998, 20 USC 9273.

B. In addition to complying with the requirements of Section III.A, the Council shall also advise the Governor on broader standards to assess the effectiveness of the broader workforce development efforts that include Michigan universities, community colleges, and K-12 schools, as well as state- and federally-funded workforce development programs.

C. The Council also shall advise the Governor and the Director of the Department of Labor and Economic Growth on the operation of the following programs:

1. The Work First Program, authorized under Section 57f of The Social Welfare Act, 1939 PA 280, MCL 400.57f, or any successor statute.

2. The Food Stamp Employment and Training Program authorized under the Section 6(d) of the federal Food Stamp Act of 1977, 7 USC 2015(d).

3. The North American Free Trade Agreement (NAFTA) Transitional Adjustment Assistance Program authorized under Chapter 2 of Title II of the federal Trade Act of 1974, 19 USC 2271 to 2331.



4. Adult Education Programs and Adult Learning Systems under Sections 107 and 107b of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1707 and MCL 388.1707b, to the extent the programs are authorized under Michigan law.

D. In exercising its duties under this Order, the Council may provide policy advice across workforce areas, including traditional adult workforce development, community colleges, career and technical education, and workforce elements of economic development.

E. As requested by the Governor, the Council shall also advise the Governor and the Department of Labor and Economic Growth regarding policies in workforce development, adult education, career and technical education, community colleges, and the workforce elements of economic development. In exercising its duties under this Order, the Council shall endeavor to develop a unified state policy dialogue involving local workforce boards, universities, community colleges, K-12 schools, and other key stakeholders.

F. The Council shall provide other information, advice, or assistance as requested by the Governor.

#### **IV. OPERATIONS OF THE COUNCIL**

A. The Council may promulgate bylaws, not inconsistent with federal law, Michigan law, or this Order, governing its organization, operation, and procedures.

B. The Council shall be staffed by personnel from and assisted by the Department of Labor and Economic Growth. The Michigan Economic Development Corporation may assist the Council in performing its functions if authorized under an agreement between the Michigan Economic Development Corporation and the Department of Labor and Economic Growth or the Michigan Strategic Fund.

C. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council. Meetings of the Council shall be held within the State of Michigan. A member of the Council appointed under Section II.F failing to comply with attendance requirements adopted by the Council shall resign or may be removed from office by the Governor prior to the expiration of his or her term for failure to meet the responsibilities and perform the duties of his or her office.

D. A majority of the members of the Council constitutes a quorum for the transaction of business. The Council shall act by majority vote of serving members participating in a meeting. To the extent authorized by Michigan law, the Council may authorize members to participate in a Council meeting by the use of telephonic or video equipment. Members participating in a meeting via telephonic or video equipment shall be deemed present at the meeting. Voting shall be conducted in person or by use of telephonic or video equipment.

E. The Council may establish committees and subcommittees and request public participation on advisory panels as it deems necessary. The Council may adopt, reject, or modify recommendations made by committees, subcommittees, or advisory panels.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available appropriations.

H. As required under Section 111(f) of the federal Workforce Investment Act of 1998, 29 USC 2821(f), a member of the Council may not do any of the following:

1. Vote on a matter under consideration by the Council regarding the provision of services by the member or an entity the member represents.

2. Vote on a matter under consideration by the Council that would provide direct financial benefit to the member or the immediate family of the member. As used in this paragraph, "family" means that term as defined under Section 101(15) of the federal Workforce Investment Act of 1998, 29 USC 2801(15).

3. Engage in any other activity determined by the Governor to constitute a conflict of interest, as specified in the state plan outlining a 5-year strategy for the Statewide Workforce Investment System for this state, as required under Section 112 of the federal Workforce Investment Act of 1998, 29 USC 2822.

I. To assure full compliance with the sunshine requirements under Section 111(g) of the federal Workforce Investment Act of 1998, 29 USC 2821(g), meetings of the Council shall be held according to procedures established under the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

J. To assure full compliance with the sunshine requirements under Section 111(g) of the federal Workforce Investment Act of 1998, 29 USC 2821(g), the Council is a public body under, and shall comply with, the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

K. The Council shall adopt bylaws, policies, or procedures necessary for the implementation and enforcement of the requirements under Section IV.H, IV.I, and IV.J.

L. The Council may hire or retain contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties, as the Director of the Department of Labor and Economic Growth deems advisable and necessary in accordance with the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

M. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

N. Members of the Council shall refer all legal, legislative, and media contacts to the Department of Labor and Economic Growth.

#### V. RESCISSIONS

A. The Governor's Workforce Investment Board established under Executive Order 2002-5, MCL 408.101, is abolished. Executive Order 2002-5 is rescinded in its entirety.

B. The Governor's Workforce Commission established under Executive Order 1994-26, MCL 408.48, is abolished.

#### VI. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before any appropriate successor of an entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder the order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of December, in the year of our Lord, two thousand and four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

### Introduction of Bills

Reps. Walker, Vander Veen, Amos and Shaffer introduced

#### House Bill No. 6368, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 1999 PA 60.

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

Rep. Minore moved that the House adjourn.

The motion prevailed, the time being 5:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 8, at 10:00 a.m.

GARY L. RANDALL

Clerk of the House of Representatives