

No. 22
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, March 16, 2005.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Paul Condino, from the 35th District, offered the following invocation:

“An excerpt from the *Chaplin’s Service Book of Prayers* that I felt was particularly appropriate for this esteem body:

A Prayer for Our Country

Almighty God, You have given us this great land as our heritage. We humbly pray that we may always remember Your generosity and faithfully do Your will. Bless our land with honest industry, truthful education and an honorable way of life. Defend our liberties and strengthen the resolve of the people who have come from throughout the world to make America their home. Let us choose the harder right instead of the easier wrong. Help us to appreciate the opportunities that are ours as we struggle to bring harmony to an unsettled world. May we balance our concern for justice with a willingness to display mercy, and may our concern for security be tempered with a willingness to take risks which will produce worthwhile change for the good of all people. When times are prosperous, let our hearts be thankful and in troubled times may our deepest trust be in You. Amen.”

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

Second Reading of Bills

House Bill No. 4001, entitled

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4002, entitled

A bill to amend 1946 (1st Ex Sess) PA 9, entitled “An act to create the Michigan veterans’ trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act,” by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4188, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

Roll Call No. 37

Yeas—109

Accavitti
Acciavatti

Emmons
Espinoza

Law, Kathleen
Leland

Proos
Robertson

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Accavitti, Anderson, Angerer, Ball, Bieda, Booher, Brandenburg, Brown, Byrnes, Casperson, Caswell, Clack, Clemente, Condino, Cushingberry, Dillon, Donigan, Elsenheimer, Emmons, Espinoza, Farhat, Garfield, Gleason, Gonzales, Gosselin, Hansen, Hildenbrand, Huizenga, Hunter, Jones, Kahn, Kehrl, Kooiman, David Law, Lemmons, III, Lemmons, Jr., Marleau, McConico, McDowell, Moolenaar, Moore, Mortimer, Murphy, Nitz, Nofs, Palsrok, Pastor, Pavlov, Pearce, Phillips, Polidori, Proos, Robertson, Sak, Shaffer, Sheltrown, Spade, Stahl, Stewart, Taub, Vagnozzi, Vander Veen, Wojno and Zelenko were named co-sponsors of the bill.

House Bill No. 4025, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8507 (MCL 600.8507), as amended by 1994 PA 5.

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

Roll Call No. 38**Yeas—109**

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Adamini	Farhat	Lemmons, III	Rocca
Amos	Farrah	Lemmons, Jr.	Sak
Anderson	Gaffney	Lipse	Schuitmaker
Angerer	Garfield	Marleau	Shaffer

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Ward moved that House Committees be given leave to meet during the balance of today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Hoogendyk, Baxter, Booher, Casperson, Caswell, Elsenheimer, Gleason, Gonzales, Gosselin, Hansen, Jones, LaJoy, Lemmons, Jr., Marleau, Meyer, Mortimer, Nofs, Palmer, Pastor, Robertson, Rocca, Sak, Shaffer, Stahl, Stakoe, Taub, Vander Veen, Hummel, Lemmons, III and Sheltrown offered the following resolution:

House Resolution No. 36.

A resolution recognizing March 16th, 2005, as Liberty Day in the state of Michigan.

Whereas, Each citizen of the United States of America can personally respect the rights and liberties enumerated in the Declaration of Independence and the U.S. Constitution, which includes the Bill of Rights; and

Whereas, James Madison, with all the strength and courage given to him by his Creator, contributed to the Virginia Plan as a model and basis for a new constitution, further establishing our new form of government and replacing the Articles of Confederation; and

Whereas, Madison pursued the commonwealth of the United States by writing, in conjunction with John Jay and Alexander Hamilton, articles to various newspapers promoting the new constitution, the Federalists Papers; and

Whereas, James Madison served in the United States House of Representatives from 1789-1797, during which time he introduced to Congress the Bill of Rights, and was the President of the United States from 1809-1817; and

Whereas, March 16th, 2005, is the 254th anniversary of the birth of James Madison, the 'Father of the Constitution,' and the official Liberty Day as recognized by the Congress of the United States; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize March 16th, 2005, as Liberty Day in the state of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Standing Committees

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

House Bill No. 4327, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2002 PA 472; 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.

Favorable Roll Call

To Report Out:

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

Nays: Reps. Elsenheimer and David Law

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

House Bill No. 4356, entitled

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

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 16, 2005

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moore, Vice-Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, March 15, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 15, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 16, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 16, 2005

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

Absent: Rep. Wenke

Excused: Rep. Wenke

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, March 16:

House Bill Nos.	4483	4484	4485	4486	4487	4488	4489	4490	4491	4492	4493	4494	4495	4496
	4497	4498	4499	4500	4501	4502	4503							

The Clerk announced that the following Senate bills had been received on Wednesday, March 16:

Senate Bill Nos.	74	134	136	193
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By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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. 4233, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 16 (MCL 431.316).

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 pursuant to Joint Rule 20, inserted the full title.

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

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

The Senate has passed the bill.

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

Senate Bill No. 134, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

The Senate has passed the bill.

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

Senate Bill No. 136, entitled

A bill to prohibit the issuance or manufacture of false academic credentials; and to provide remedies.

The Senate has passed the bill.

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

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 12.

A concurrent resolution to memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs.

Whereas, The sixth short-term extension of the federal road and transit funding authorization act known as the Transportation Equity Act for the 21st Century, or TEA 21, expires on May 31, 2005. The uncertainty regarding long-term federal funding hampers Michigan's ability to effectively plan investments in infrastructure and may contribute to delays in critical highway and transit projects; and

Whereas, Michigan has long been a "donor state," contributing a greater share to the Federal Highway Trust Fund and Mass Transit Account than the share of federal transportation funds returned for use in Michigan; and

Whereas, Last session, the United States Senate passed highway reauthorization legislation that would have provided \$318 billion for highways and transit systems nationwide over six years and increased Michigan's rate of return on our federal transportation taxes from 90.5 percent to 95 percent. In addition, the bill would have provided up to \$300 million more for Michigan transportation systems each year, and could have created several thousand new jobs. The House passed reauthorizing legislation that would have provided \$284 billion for highways and transit systems and would have reduced Michigan's rate of return below the current level of 90.5 percent. The Conference Committee narrowed the funding difference to between \$284 and \$299 billion, but left unresolved the question of funding equity for donor states such as Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize Congress to enact highway reauthorization legislation with a level of funding that closes the gap between federal fuel tax dollars paid by Michigan motorists and dollars received to address Michigan's transportation needs; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Accavitti, Adamini, Anderson, Baxter, Booher, Brown, Byrnes, Byrum, Casperson, Caswell, Clack, Elsenheimer, Farrah, Gillard, Gleason, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, LaJoy, Lemmons, Jr., Marleau, Mayes, Meyer, Miller, Mortimer, Nofs, Palmer, Robertson, Rocca, Sak, Stahl, Stakoe, Taub, Tobocman, Vagnozzi, Vander Veen, Walker, Ward and Zelenko were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Transportation.

Introduction of Bills

Reps. Wojno, Accavitti, Sak, Whitmer, Gillard, Byrnes, Marleau and Lemmons, III introduced

House Bill No. 4504, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21525. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Casperson, Drolet, Nitz, Mortimer, Acciavatti, Emmons, Pastor, Stahl, Meyer, Huizenga, Hummel, Gosselin, LaJoy, Hune, Gleason, Shaffer, Garfield, Palmer, Hoogendyk, Brown, Plakas, Spade, Sheltroun, Kehrl, Espinoza, Brandenburg, Stakoe, Wojno, Farrah, Leland, Hildenbrand, Amos, Adamini, Anderson, Donigan, Gillard, Stewart, DeRoche, Caswell, Accavitti, Ward, Kathleen Law, Baxter and Moore introduced

House Bill No. 4505, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Reps. Dillon, Mayes, Miller, Meisner, Waters, Kehrl, Polidori, Stewart, Clemente and Leland introduced

House Bill No. 4506, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 502 and 1311d (MCL 380.502 and 380.1311d), section 502 as amended by 1995 PA 289 and section 1311d as added by 1999 PA 23.

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

Reps. Baxter and Ward introduced

House Bill No. 4507, entitled

A bill to amend 1986 PA 54, entitled "Building officials and inspectors registration act," by amending the title and sections 2, 3, 4, 6, 7, 8, 10, 12, and 13 (MCL 338.2302, 338.2303, 338.2304, 338.2306, 338.2307, 338.2308, 338.2310, 338.2312, and 338.2313), section 3 as amended by 1998 PA 50, and by adding sections 2a, 8a, 8b, 8c, 8d, 8e, 8f, and 8g; and to repeal acts and parts of acts.

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

Rep. Sheen moved that the House adjourn.
The motion prevailed, the time being 2:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, March 17, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives