

No. 42
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House of Representatives
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House Chamber, Lansing, Tuesday, May 17, 2005.

1:00 p.m.

The House was called to order by the Speaker.

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

Accavitti—present	Emmons—excused	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—excused
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—excused	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Bill Huizenga, from the 90th District, offered the following invocation:

“Heavenly and merciful Father, we come before You today, asking for Your wisdom, Your grace and Your peace upon us, as individuals, as a body, as an institution and as a state. We pray that You be with us individually and that You be with all of our families, with the effects that this type of job may bring. Please be with us. Keep us strong. Keep us healthy, both physically and mentally. Please be with us as a body. Lord, we know we have to work together and accomplish things for the citizens of Michigan. We pray that You be with those efforts. We pray that You be with us as a government, as well that we may have wisdom to deal with the issues and the challenges that are before us. We thank You for the opportunity to serve. We thank You for the opportunity to gather as brothers and sisters. In Your son’s holy name, Amen.”

The Speaker called Associate Speaker Pro Tempore Caswell to the Chair.

Rep. Sak moved that Rep. Vagnozzi be excused from today’s session.
The motion prevailed.

Rep. Palmer moved that Reps. Drolet, Emmons and Wenke be excused from today’s session.
The motion prevailed.

Rep. Hood asked and obtained an excuse from tomorrow’s session.

Rep. Farrah moved that Rep. Cheeks be excused from the balance of today’s session.
The motion prevailed.

Third Reading of Bills

House Bill No. 4558, entitled

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending the title and section 2e (MCL 21.142e), the title as amended by 1993 PA 44 and section 2e as amended by 2004 PA 342.

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

Roll Call No. 121

Yeas—81

Acciavatti	Gaffney	Lemmons, III	Proos
Adamini	Garfield	Lemmons, Jr.	Robertson
Amos	Gillard	Lipsey	Rocca
Anderson	Gleason	Marleau	Sak
Angerer	Gonzales	Mayer	Schuitmaker
Ball	Gosselin	McDowell	Shaffer
Baxter	Hansen	Meyer	Sheen
Booher	Hildenbrand	Moolenaar	Sheltrown
Brandenburg	Hoogendyk	Moore	Spade
Brown	Huizenga	Mortimer	Stahl
Byrnes	Hummel	Newell	Stakoe
Casperson	Hune	Nitz	Steil
Caswell	Jones	Nofs	Stewart
Caul	Kahn	Palmer	Taub
Clack	Kehrl	Palsrok	Van Regenmorter
Cushingberry	Kolb	Pastor	Vander Veen
DeRoche	Kooiman	Pavlov	Walker

Dillon
Elsenheimer
Espinoza
Farhat

LaJoy
Law, David
Law, Kathleen

Pearce
Phillips
Polidori

Ward
Williams
Zelenko

Nays—23

Accavitti
Bennett
Bieda
Byrum
Clemente
Condino

Donigan
Farrah
Hood
Hopgood
Hunter
Leland

McConico
Meisner
Miller
Murphy
Plakas
Smith, Alma

Smith, Virgil
Tobocman
Waters
Whitmer
Wojno

In The Chair: Caswell

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

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

A bill to amend 1855 PA 105, entitled “An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies,” by amending section 2e (MCL 21.142e), as amended by 2004 PA 342.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Stewart, Phillips, Zelenko, Hummel, Williams, Adamini, Brown, Brandenburg, Taub, Garfield, Gleason, Caswell, Nofs, Nitz, Stahl, Huizenga, Moolenaar, Gillard, Dillon, Angerer, Cushingberry, Elsenheimer, Espinoza, Gonzales, Hildenbrand, Jones, Lemmons, III, Lemmons, Jr., Mayes, McDowell, Moore, Pearce, Polidori, Sheltrown and Spade were named co-sponsors of the bill.

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:

I voted no on House Bill 4558 because I do not believe that under the State’s current budget crisis, the state cannot afford to loan out taxpayer funds and not expect to receive a return on the public’s investment. Thus, I voted ‘no’ on House Bill 4558.”

House Bill No. 4544, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

Rep. Elsenheimer moved to amend the bill as follows:

1. Amend page 2, line 2, after “**PERSON**” by striking out the balance of the subsection and inserting “**SHALL NOT CARRY OR HAVE IN HIS OR HER POSSESSION IN THE COMMISSION OR ATTEMPTED COMMISSION OF A CRIME A RADIO RECEIVING SET THAT WILL RECEIVE SIGNALS SENT ON A**

FREQUENCY ASSIGNED BY THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES FOR POLICE, FIRE FIGHTING, OR EMERGENCY MEDICAL PURPOSES.”.

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

The question being on the passage of the bill,

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

Roll Call No. 122

Yeas—105

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

Nays—0

In The Chair: Caswell

The House agreed to the title of the bill.

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

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

House Bill No. 4727, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Elsenheimer moved to amend the bill as follows:

1. Amend page 3, line 10, after “G” by striking out the balance of the line through “**FELONY**” and inserting “**CARRYING OR POSSESSING A SCANNER IN THE COMMISSION OF A CRIME**”.

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

The question being on the passage of the bill,

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

Roll Call No. 123**Yeas—105**

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

Nays—0

In The Chair: Caswell

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

The motion prevailed.

Second Reading of Bills**House Bill No. 4559, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9721.

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

Rep. Donigan demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

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

Roll Call No. 124**Yeas—104**

Accavitti	Espinoza	Law, Kathleen	Proos
Acciavatti	Farhat	Leland	Robertson
Adamini	Farrah	Lemmons, III	Rocca
Amos	Gaffney	Lemmons, Jr.	Sak
Anderson	Garfield	Lipsev	Schuitmaker
Angerer	Gillard	Marleau	Shaffer
Ball	Gleason	Mayes	Sheen
Baxter	Gonzales	McDowell	Sheltrown
Bennett	Gosselin	Meisner	Smith, Alma
Bieda	Green	Meyer	Smith, Virgil
Booher	Hansen	Miller	Spade
Brandenburg	Hildenbrand	Moolenaar	Stahl
Brown	Hood	Moore	Stakoe
Byrnes	Hoogendyk	Mortimer	Steil
Byrum	Hopgood	Murphy	Stewart
Casperson	Huizenga	Newell	Taub
Caswell	Hummel	Nitz	Tobocman
Caul	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
Elsenheimer	Law, David	Polidori	Zelenko

Nays—0

In The Chair: Caswell

Rep. Donigan moved to amend the bill as follows:

1. Amend page 3, line 15, after "4037" by inserting "and House Bill No. 4529".

2. Amend page 3, line 15, after "Legislature" by striking out "is" and inserting "are".

The question being on the adoption of the amendments offered by Rep. Donigan,

Rep. Donigan demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Donigan,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 125**Yeas—49**

Accavitti	Dillon	Law, Kathleen	Polidori
Adamini	Donigan	Leland	Sak
Anderson	Espinoza	Lemmons, III	Sheltrown
Angerer	Farrah	Lemmons, Jr.	Smith, Alma
Bennett	Gillard	Lipsev	Smith, Virgil
Bieda	Gleason	Mayes	Spade

Brown	Gonzales	McDowell	Tobocman
Byrnes	Hood	Meisner	Waters
Byrum	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko
Cushingberry			

Nays—54

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

In The Chair: Caswell

Rep. Kahn moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

House Bill No. 4037, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9171.
Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Health Policy,

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

Rep. Adamini moved to amend the bill as follows:

1. Amend page 2, line 4, by striking out all of enacting section 1.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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
Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
 Meeting held on: Tuesday, May 17, 2005

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Dillon, Bennett and Accavitti

Absent: Reps. Wenke, Murphy and McConico

Excused: Reps. Wenke and Murphy

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, May 12:

Senate Bill Nos. 489 490 491 492 493 494 495 496 498

The Clerk announced that the following Senate bills had been received on Thursday, May 12:

Senate Bill Nos. 175 189 249 302 303 352 358 359 399 416 434 438 463 464

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 13:

House Bill Nos. 4778 4779 4780 4781 4782 4783 4784 4785 4786 4787 4788

Senate Bill Nos. 497 499

The Clerk announced the enrollment printing and presentation to the Governor on Monday, May 16, for her approval of the following bills:

Enrolled House Bill No. 4225 at 10:56 a.m.

Enrolled House Bill No. 4272 at 10:58 a.m.

Enrolled House Bill No. 4273 at 11:00 a.m.

Enrolled House Bill No. 4454 at 11:02 a.m.

The Clerk announced that the following Senate bill had been received on Tuesday, May 17:

Senate Bill No. 306

By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 4405, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

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. 4434, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17752 (MCL 333.17752) and by adding section 17753.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 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 section 17752 (MCL 333.17752).

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

House Bill No. 4450, entitled

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

The Senate has amended the bill as follows:

1. Amend page 10, line 9, after the second "A" by inserting "CONDITION OF".
2. Amend page 10, line 14, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

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. 4451, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 24, after the second "IS" by inserting "A CONDITION OF".
2. Amend page 3, line 2, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

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. 4452, entitled

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

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. 4453, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 13, after the second "A" by inserting "CONDITION OF".
2. Amend page 2, line 18, after "CREDITOR" by inserting "AS LIEN CREDITOR IS DEFINED IN SECTION 9102 OF THE UNIFORM COMMERCIAL CODE, 1962 PA 174, MCL 440.9102".

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.

Senate Bill No. 175, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b.

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. 249, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 143a.

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. 302, entitled

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Senate Bill No. 303, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Senate Bill No. 306, entitled

A bill to authorize the department of management and budget to convey certain parcels of state owned property in Eaton county; to prescribe conditions for the conveyances; to provide for certain powers and duties of the department of management and budget in implementing those conveyances; to provide for disposition of revenue derived from the conveyances; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 352, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17753.

The Senate has passed the bill.

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

Senate Bill No. 358, entitled

A bill to create and provide for the operation of the life science investment authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

The Senate has passed the bill.

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

Senate Bill No. 359, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2093) by adding chapter 7A.

The Senate has passed the bill.

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

Senate Bill No. 399, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 13538 and 13833.

The Senate has passed the bill.

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

Senate Bill No. 416, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

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. 434, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 9 (MCL 247.909), as amended by 1993 PA 149.

The Senate has passed the bill.

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

Senate Bill No. 438, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

The Senate has passed the bill.

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

Senate Bill No. 463, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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. 464, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain

instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," (MCL 722.671 to 722.684) by adding sections 12a and 12b.

The Senate has passed the bill.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:

House Bill No. 4787 referred to the Committee on Transportation.

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 4758**.

Rep. Kathleen Law

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 4759**.

Rep. Espinoza

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 4760**.

Rep. Kehrl

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 4761**.

Rep. Miller

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Natural Resources, Great Lakes, Land Use, and Environment from further consideration of **House Bill No. 4762**.

Rep. McDowell

Communications from State Officers

The following communication from the Department of Civil Service was received and read:

April 26, 2005

Enclosed is the Fiscal Analysis Report for the Department of Civil Service for fiscal year 2004.

This report is provided in accordance with Article XI, Section 5 of the Constitution of the State of Michigan.

Sincerely,

James D. Farrell

State Personnel Director

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

May 12, 2005

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of Interdepartmental Billings and Selected Service Delivery Evaluation Efforts,

Department of Information Technology

May 2005

May 12, 2005

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the
Department of State
for the period October 1, 2002 through September 30, 2004

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Reps. Vander Veen, Vagnozzi, Van Regenmorter, Clack, Stahl, Taub, Proos, Hildenbrand, Green, Zelenko and Shaffer introduced

House Bill No. 4789, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21794. The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Green, Vagnozzi, Van Regenmorter, Stahl, Taub, Proos, Hildenbrand, Zelenko and Vander Veen introduced

House Bill No. 4790, entitled

A bill to permit the establishment and maintenance of long-term health care savings accounts; to provide for certain tax credits and deductions; to prescribe the requirements of and restrictions on long-term health care savings accounts; and to provide penalties and remedies.

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

Reps. Green, Vagnozzi, Van Regenmorter, Stahl, Taub, Proos, Hildenbrand, Zelenko and Vander Veen introduced

House Bill No. 4791, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Reps. Zelenko, Green and Vander Veen introduced

House Bill No. 4792, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 2001 PA 218, and by adding section 21753.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Amos, Gillard, Miller, Kolb, Farrah, Kathleen Law, Brown, Tobocman, Anderson, Condino, Pastor, Zelenko, Bieda, Kehrl, Alma Smith, Byrnes, Casperson, Garfield, Schuitmaker, Stakoe, Phillips, Van Regenmorter, Whitmer, Lipsey, Wojno, Byrum, Vagnozzi, Cheeks, Gleason, Adamini and Lemmons, III introduced

House Bill No. 4793, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Reps. Kolb, Farrah, Tobocman, Brown, Bieda, Meisner, Lipsey, Gillard, Miller, Kathleen Law, Anderson, Condino, Pastor, Zelenko, Alma Smith, Byrnes, Casperson, Garfield, Espinoza, Schuitmaker, Stakoe, Phillips, Van Regenmorter, Whitmer, Wojno, Byrum, Vagnozzi, Williams, Cheeks, Cushingberry, Gleason, Adamini and Lemmons, III introduced

House Bill No. 4794, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Reps. Wojno, Accavitti, Stahl and Kathleen Law introduced

House Bill No. 4795, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 501 (MCL 436.1501), as amended by 2000 PA 431.

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

Reps. McConico, Elsenheimer and Van Regenmorter introduced

House Bill No. 4796, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

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

Reps. Elsenheimer, Van Regenmorter, Taub, David Law, McConico and Newell introduced

House Bill No. 4797, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 1994 PA 70.

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

Rep. Van Regenmorter introduced

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

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

Reps. Van Regenmorter, Vander Veen, David Law, Newell, Jones, Hansen, Steil, Condino, McConico, Nofs, Stakoe, Huizenga, Stahl, Meisner and Lipsey introduced

House Bill No. 4799, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 40 and 42 of chapter VII (MCL 767.40 and 767.42), section 40 as amended by 1986 PA 46.

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

Reps. Van Regenmorter, Vander Veen, David Law, Elsenheimer, Newell, Jones, Hansen, Steil, Condino, McConico, Nofs, Stakoe, Huizenga, Stahl, Meisner and Lipsey introduced

House Bill No. 4800, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8311 (MCL 600.8311).

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

Reps. David Law, Jones, Nofs, Tobocman, Kahn, Gaffney, Ward, Hildenbrand, Taub, Brandenburg, Newell, Cushingberry, Drolet, Elsenheimer, Marleau and Lemmons, III introduced

House Bill No. 4801, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Reps. Anderson, Miller, Tobocman, Gillard, Stakoe, Gleason, Kathleen Law, Hune and Lemmons, III introduced

House Bill No. 4802, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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

Reps. Gaffney, Hune, Emmons, Newell, Brown, Gillard, Palsrok, Stahl, Elsenheimer, Brandenburg, Ward, LaJoy, Gosselin, Hansen, Green, Mortimer, Casperson, McDowell, Gleason, Taub, Hoogendyk, Pearce, Meyer, Nofs, Sheen, Bennett, Farhat, Amos, Acciavatti, Walker, Pavlov, Garfield, Palmer, Huizenga, Robertson, Steil, Shaffer, Jones, David Law, Sheltroun and Moore introduced

House Bill No. 4803, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

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

Reps. Cheeks, Lemmons, III, Lemmons, Jr., Cushingberry, Hunter, McConico, Condino, Gonzales, Zelenko, Williams, Phillips, Leland, Tobocman, Gaffney, Gillard, Farrah, Shaffer, Wenke, Sak, Clack, Murphy, Meisner, Brown, Alma Smith and Lipsey introduced

House Bill No. 4804, entitled

A bill to provide for the levy, collection, and administration of an excise tax on the privilege of selling certain food and beverages in certain cities in this state; to provide for the disposition of the proceeds of the tax; and to prescribe the powers and duties of certain state departments.

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

Reps. Kathleen Law, Hopgood, Phillips, Anderson, Stewart, Nofs, Meyer and Lipsey introduced

House Bill No. 4805, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3101 (MCL 324.3101), as amended by 2004 PA 142, and by adding section 3109c.

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

Rep. Moore moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

Associate Speaker Pro Tempore Caswell declared the House adjourned until Wednesday, May 18, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

