

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

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House Chamber, Lansing, Thursday, October 27, 2005.

10:30 a.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—excused	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—excused	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—excused	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—excused	Kehrl—excused	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—excused	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. Joel A. Sheltroun, from the 103rd District, offered the following invocation:

“Heavenly Father, we praise You for Your marvelous creation, for Your abundant grace and mercy. Thank You for blessing our country, for freedom and prosperity. Help us to ever be mindful of Your many blessings and to humble ourselves under Your mighty hand. We confess that America is in a moral freefall. We certainly know the difficulty in trying to fix what’s wrong. But You have promised that if we will humble ourselves and pray and seek Your face and turn from our wicked ways, then You will hear and will forgive our sin and heal our land. Help us to honestly examine ourselves and our efforts here and lead us to genuine repentance.

In Proverbs 9:10 we read where the fear of the LORD is the beginning of wisdom. Please give us wisdom as we endeavor to carry out our calling. Help us to love one another, to esteem others better than ourselves, and to display Your supernatural unity to the world. Make us men and women of integrity.

We join with the Ancient Martyr, Ignatius, in praying:

Teach us, good Lord,  
 To serve Thee as Thou deservest  
 To give and not to count the cost  
 To fight and not to heed the wounds  
 To toil and not to seek for rest  
 To labour and not to ask for any reward  
 Save that of knowing that we do Thy Will.

Amen.”

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Rep. Sak moved that Reps. Hunter, Kehrl, Lemmons, III, McConico and Phillips be excused from today’s session. The motion prevailed.

### **Second Reading of Bills**

#### **Senate Bill No. 708, entitled**

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

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. Palsrok moved that Rep. DeRoche be excused temporarily from today’s session. The motion prevailed.

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **Senate Bill No. 708, entitled**

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

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

**Roll Call No. 544****Yeas—97**

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

**Nays—6**

Drolet	Garfield	Pastor	Sheen
Emmons	Huizenga		

In The Chair: Kooiman

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

“An act to establish the computer crime of sending certain electronic messages to minors; to create a child protection registry; to provide notice of contact points to which a minor has access; to prescribe the powers and duties of certain state agencies and officials; to create a fund and provide for fees; and to provide for penalties and remedies,”

The House agreed to the full title.

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

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

**Second Reading of Bills****House Bill No. 4072, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4271, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

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

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

The motion prevailed.

**House Bill No. 4468, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5332, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2024b.

The bill was read a second time.

Rep. Ball 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****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 bill was read a third time.

The question being on the passage of the bill,

Rep. Lipsey moved to substitute (H-1) the bill.

The motion was seconded and the substitute (H-1) 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. 545****Yeas—103**

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

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

**Nays—0**

In The Chair: Kooiman

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

The House agreed to the full title.

**House Bill No. 5169, entitled**

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

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

**Roll Call No. 546****Yeas—103**

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

Condino	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko
Elsenheimer	Law, Kathleen	Rocca	

**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. Stewart, Gaffney, Tobocman, Farrah, Taub, Accavitti, Garfield, Hune, Gleason, Emmons, Steil, Van Regenmorter, Sak, Sheen, Huizenga, Palsrok, Ball, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Hansen, Kahn, Lemmons, Jr., McDowell, Moore, Pearce and Polidori were named co-sponsors of the bill.

**House Bill No. 5043, entitled**

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

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

**Roll Call No. 547****Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

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

**House Bill No. 5044, entitled**

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

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

**Roll Call No. 548**

**Yeas—103**

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

**Nays—0**

In The Chair: Kooiman

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

**House Bill No. 5293, entitled**

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

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

**Roll Call No. 549****Yeas—103**

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

**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. Stewart, Adamini, Farrah, Pastor, LaJoy, Brandenburg, Bieda, Clack, Taub, Accavitti, Amos, Gleason, Shaffer, Palsrok, Gillard, Ball, Clemente, Espinoza, Green, Hildenbrand, Leland, Marleau, McDowell, Mortimer, Pearce, Polidori and Sheltrown were named co-sponsors of the bill.

**Second Reading of Bills****House Bill No. 5091, entitled**

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

The bill was read a second time.

Rep. Caul moved to amend the bill as follows:

1. Amend page 1, line 1, after "**THE**" by striking out "**2005**" and inserting "**2006**".
2. Amend page 1, line 2, after "**THE**" by striking out "**2005**" and inserting "**2006**".
3. Amend page 2, following line 14, by inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) House Bill No. 4001.
- (b) House Bill No. 4002."

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



Rep. Caul moved that the bill be placed on the order of Third Reading of Bills.  
 The motion prevailed.  
 Rep. Ward moved that the bill be placed on its immediate passage.  
 The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 5091, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” (MCL 206.1 to 206.532) by adding section 437.  
 Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 550**

**Yeas—104**

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

**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. Waters, Anderson, Kooiman, Hummel, Newell, Vander Veen, Williams, Adamini, Brown, Gaffney, Tobocman, Farrah, Pastor, LaJoy, Hopgood, Brandenburg, Bieda, Wojno, Clack, Condino, Vagnozzi, Taub, Garfield, Hune, Gleason, Robertson, Caswell, Shaffer, Ward, Emmons, Steil, Sak, Nitz, Sheen, Huizenga, Palsrok, Angerer, Ball, Baxter, Booher, Byrnes, Cheeks, Clemente, Donigan, Espinoza, Gonzales, Hansen, Hildenbrand, Jones, Kahn, Leland, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Moore, Palmer, Pavlov, Polidori, Proos, Sheltrown, Spade and Murphy were named co-sponsors of the bill.

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**

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**Senate Bill No. 789, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Tobocman, Accavitti, Donigan and Vagnozzi  
 Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**Senate Bill No. 790, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Tobocman, Accavitti, Donigan and Vagnozzi  
 Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported  
**Senate Bill No. 799, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass. The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Robertson, Nitz, Tobocman, Accavitti, Donigan and Vagnozzi  
 Nays: None

**COMMITTEE ATTENDANCE REPORT**

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

Meeting held on: Wednesday, October 26, 2005

Present: Reps. Stakoe, Robertson, Nitz, Tobocman, Accavitti, Donigan and Vagnozzi

Absent: Reps. Elsenheimer, Van Regenmorter, Baxter and Schuitmaker

Excused: Reps. Elsenheimer, Van Regenmorter, Baxter and Schuitmaker

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, October 27, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

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

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

**Senate Bill Nos. 837 838 839 840 841 842 843 844**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 27:

**House Bill Nos. 5366 5367 5368 5369 5370 5371 5372 5373 5374 5375 5376**

The Clerk announced that the following Senate bills had been received on Thursday, October 27:

**Senate Bill Nos. 654 747 764**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 4729, entitled**

A bill to amend 1968 PA 317, entitled "An act relating to the conduct of public servants in respect to governmental decisions and contracts with public entities; to provide penalties for the violation of this act; to repeal certain acts and parts of acts; and to validate certain contracts," by amending section 4 (MCL 15.324).

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5149, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11701, 11702, and 11715b (MCL 324.11701, 324.11702, and 324.11715b), sections 11701 and 11702 as amended and section 11715b as added by 2004 PA 381.

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. 5148, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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.

**Senate Bill No. 654, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11a of chapter XVII (MCL 777.11a), as added by 2002 PA 31.

The Senate has passed the bill.

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

**Senate Bill No. 747, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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. 764, entitled**

A bill to establish a monument to honor citizens of this state who have received the purple heart medal.

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.

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Judiciary from further consideration of **House Bill No. 5065**.

Rep. Espinoza

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Judiciary from further consideration of **House Bill No. 5066**.

Rep. Espinoza

**Messages from the Governor**

Date: October 27, 2005

Time: 9:39 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4638 (Public Act No. 186, I.E.), being**

An act to amend 1980 PA 523, entitled "An act to provide a uniform code of military justice for the state military forces; and to repeal certain acts and parts of acts," by amending sections 2, 3, 4, 7, 8, 9, 13, 14, 15, 16, 25, 26, 27, 29, 80, 84, 85, 92, 94, 99, 103, 105, 107, 108, 112, 113, 132, and 134 (MCL 32.1002, 32.1003, 32.1004, 32.1007, 32.1008, 32.1009, 32.1013, 32.1014, 32.1015, 32.1016, 32.1025, 32.1026, 32.1027, 32.1029, 32.1080, 32.1084, 32.1085, 32.1092, 32.1094, 32.1099, 32.1103, 32.1105, 32.1107, 32.1108, 32.1112, 32.1113, 32.1132, and 32.1134), section 16 as amended by 1990 PA 300, and by adding sections 50a, 88, 109, and 121.

(Filed with the Secretary of State October 27, 2005, at 10:14 a.m.)

Date: October 27, 2005

Time: 9:41 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5055 (Public Act No. 187, I.E.), being**

An act 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 20161 (MCL 333.20161), as amended by 2004 PA 469.

(Filed with the Secretary of State October 27, 2005, at 10:16 a.m.)

### Introduction of Bills

Reps. Amos, Jones, Shaffer, Pastor, Vander Veen, Sheltroun, Brown, Vagnozzi, Acciavatti, LaJoy, Caul, Nitz, Booher, Palmer, Casperson, Walker, Rocca, Pavlov, Ward and Taub introduced

**House Bill No. 5377, entitled**

A bill to amend 1953 PA 232, entitled “Corrections code of 1953,” by amending section 36 (MCL 791.236), as amended by 2003 PA 75.

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

Reps. Pastor, Rocca, Vander Veen and Gaffney introduced

**House Bill No. 5378, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

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

Rep. Elsenheimer introduced

**House Bill No. 5379, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 80171 (MCL 324.80171), as added by 1995 PA 58.

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. Lemmons, Jr., Lemmons, III and Miller introduced

**House Bill No. 5380, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 91.

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

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Rep. Condino moved that the House adjourn.

The motion prevailed, the time being 12:00 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives

