

No. 94
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, November 1, 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—excused	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—present	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. Glenn Steil, Jr. from the 72nd District, offered the following invocation:

“Dear God, thank You for bringing us together today in order to execute Your divine will through our participation in this governmental process.

We thank You for giving everyone gathered here today the skills necessary to carry out Your will through the jurisdiction of government; allowing us to know You in our lives and with Your blessing this day may we work toward Your own glorious goodness. We also ask that You be with all those who are suffering loss and with those who are celebrating a new life in their lives.

Today, strengthen us with Your grace and wisdom, granting us good judgment and discernment. We pray our actions may be pleasing to You, and that our decisions will be strengthened with insight granted by Your Holy Spirit.

So now, we bring our minds together as one and ask for Your continued guidance as we unite in an earnest effort to secure our communities the blessings, not only of material prosperity, but of justice and peace of mind. May our actions be representative of the glory of Your kingdom and demonstrate Your influence in our lives.

We pray this for one another, and for those who have placed their trust in us, Amen.”

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

Reports of Standing Committees

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported
House Bill No. 5325, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21529.
Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Vander Veen, Green, Stahl, Proos, Polidori, Clack and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

Present: Reps. Vander Veen, Green, Stahl, Proos, Polidori, Clack and Vagnozzi

Absent: Reps. Van Regenmorter and Zelenko

Excused: Reps. Van Regenmorter and Zelenko

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

House Bill No. 4751, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

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

House Bill No. 5040, entitled

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

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

The Committee on Commerce, by Rep. Huizenga, Chair, reported

House Bill No. 4027, 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 7 (MCL 207.557), as amended by 1996 PA 513.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Bennett and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

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

Absent: Reps. Murphy, Dillon and McConico

Excused: Reps. Murphy, Dillon and McConico

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 4670, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16184. 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. Gaffney, Newell, Robertson, Vander Veen, Ward, Nofs, Ball, Green, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5025, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5063, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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. Gaffney, Newell, Robertson, Vander Veen, Ward, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 5331, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

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. Gaffney, Newell, Robertson, Vander Veen, Ward, Nofs, Ball, Green, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, November 1, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Gleason and Angerer

Absent: Reps. Hune and Murphy

Excused: Reps. Hune and Murphy

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

House Bill No. 4508, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

With the recommendation that the substitute (H-4) 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, Elsenheimer, Jones, David Law, Rocca, Lipsey and Virgil Smith

Nays: None

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

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85.

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. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Jones, David Law, Rocca, Lipsey and Virgil Smith

Nays: None

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

House Bill No. 5269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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

1. Amend page 4, line 2, after "effect" by striking out "January" and inserting "March".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Jones, David Law, Rocca, Lipsey and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported
Senate Bill No. 308, 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 6 (MCL 722.676), as amended by 2003 PA 192.

Without amendment and with the recommendation that the bill pass.
 The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Elsenheimer, Jones, David Law, Rocca, Lipsey 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: Tuesday, November 1, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law, Rocca, Lipsey and Virgil Smith

Absent: Reps. Stakoe, Condino, Adamini, McConico and Bieda

Excused: Reps. Stakoe, Condino, Adamini, McConico and Bieda

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

Present: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lemmons, III

Absent: Rep. Lipsey

Excused: Rep. Lipsey

Messages from the Senate

House Bill No. 4726, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1177a.

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 Concurrent Resolution No. 28.

A concurrent resolution to increase the total project cost of the Department of Corrections Riverside Correctional Facility Power Plant Automation project.

Whereas, The Department of Corrections Riverside Correctional Facility Power Plant Automation project was authorized in 2003 PA 193 with a total project cost of \$3,000,000; and

Whereas, The Department of Corrections, together with the Department of Management and Budget, has estimated that the total cost to complete the Riverside Correctional Facility Power Plant Automation project has increased to \$4,500,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature recognizes the need to increase the total authorized cost for the Department of Corrections Riverside Correctional Facility Power Plant Automation project to an amount not to exceed \$4,500,000 (State Building Authority share \$4,499,900 and the State General Fund/General Purpose share \$100) and that the legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the Director of the Department of Management and Budget, and the Director of the Department of Corrections.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 27, for her approval of the following bills:

Enrolled House Bill No. 4133 at 1:37 p.m.

Enrolled House Bill No. 4737 at 1:39 p.m.

Enrolled House Bill No. 5110 at 1:41 p.m.

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

Senate Bill Nos. 845 846 847

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 28:

House Bill Nos. 5377 5378 5379 5380

Senate Bill Nos. 848 849 850 851 852

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 1, for her approval of the following bills:

Enrolled House Bill No. 5149 at 10:52 a.m.

Enrolled House Bill No. 4968 at 10:54 a.m.

Enrolled House Bill No. 4729 at 10:56 a.m.

Enrolled House Bill No. 5253 at 10:58 a.m.

Messages from the Governor

The following message from the Governor was received October 28, 2005 and read:

EXECUTIVE ORDER

No. 2005 - 26

AMENDMENT OF EXECUTIVE ORDER 2005-1 STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES EXECUTIVE REORGANIZATION

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the centralization of state government functions relating to the processing and promulgation of administrative rules and the conduct of administrative hearings in a State Office of Administrative Hearings and Rules ("SOAHR") has eliminated unnecessary duplication and facilitated more effective implementation of policy;

WHEREAS, it is necessary and desirable to amend Executive Order 2005-1 to clarify those administrative hearing functions and personnel not subject to transfer and consolidation under Executive Order 2005-1;

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

Section IV of Executive Order 2005-1 is amended to read as follows:

IV. ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL NOT SUBJECT TO TRANSFER

A. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources related to the appeal, review of, or final determination regarding a decision or proposed decision issued by a Hearing Officer for a Department or Agency shall remain with the Department or Agency, and are not transferred under Section III.

B. No authority, powers, duties, functions, responsibilities, property, records, personnel, or funds held by the Civil Service Commission solely under the authority granted to the Commission by Section 5 of Article XI of the Michigan Constitution of 1963 are transferred under Section III, unless approved by the Civil Service Commission.

C. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources involved in any of the following activities related to administrative hearing functions are not transferred to the State Office of Administrative Hearings and Rules under Section III:

1. Hearings conducted by an elected state officer, a member or members of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

2. An informal conference not subject to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, under Michigan law.

3. Any hearings conducted by the State Administrative Board or a committee of the State Administrative Board.

4. Hearings conducted by an independent hearing officer under Part 5 of The Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1501 to 550.1518.

5. Hearings conducted by an independent hearing officer under Part 6 of the Nonprofit Healthcare Corporation Reform Act, 1980 PA 350, MCL 550.1601 to 550.1619, except for an administrative hearing conducted under Section 1605 of the Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1605.

6. Hearings conducted by independent hearings officers selected by the Commissioner of Financial and Insurance Services from a list submitted by the American Arbitration Association under Subsection (3) of Section 2030 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2030.

7. Administrative hearings conducted by the Department of Civil Rights consistent with the power of the Civil Rights Commission to conduct hearings under Section 29 of Article V of the Michigan Constitution of 1963.

8. Administrative hearings conducted by the Department of State under any of the following:

a. 1978 PA 472, MCL 4.411 to 4.431 (lobbyists, lobbying agents, and lobbying activity).

b. The Michigan Notary Public Act, 2003 PA 238, MCL 55.261 to 55.315.

c. The Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992.

d. The Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 to 169.282.

e. The Driver Education and Training Schools Act, 1974 PA 369, MCL 256.601 to 256.612.

f. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.

g. The Motor Vehicle Service and Repair Act, 1974 PA 300, MCL 257.1301 to 257.1340.

h. Section 80190 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80190 (marine safety).

i. Section 81140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81140 (off-road recreation vehicles).

j. Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160 (snowmobiles).

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective January 1, 2006 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 28th day of October, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

Communications from State Officers

The following communication from the Secretary of State was received and read:

Notice of Filing
Administrative Rules

October 20, 2005

In accordance with the provisions of MCL 24.248 this is to advise you that the Department of Labor and Economic Growth, Office of Policy and Legislative Affairs filed at 9:02 A.M. this date, administrative rule (05-10-06E) for the Department of Labor and Economic Growth, Workers' Compensation Agency, Entitled "*Worker's Compensation Agency-Group Self-Insurance-Emergency Rules*", effective upon filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

October 28, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Workers' Compensation and Long Term Disability Programs,
Office of the State Employer,
Department of Management and Budget
October 2005

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85. Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

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

Rep. Meyer 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.

Rep. Kolb moved that Rep. Lipsey 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 Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 551**Yeas—105**

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Emmons	Leland	Sak
Adamini	Espinoza	Lemmons, III	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayes	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	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
Cushingberry	Kolb	Plakas	Whitmer
DeRoche	Kooiman	Polidori	Williams
Dillon	LaJoy	Proos	Wojno
Donigan	Law, David	Robertson	Zelenko
Drolet			

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.

Second Reading of Bills**House Bill No. 5269, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see today's Journal, p. 2045),

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

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

The motion prevailed.

Rep. 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. 5269, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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

Roll Call No. 552

Yeas—105

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Emmons	Leland	Sak
Adamini	Espinoza	Lemmons, III	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayer	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	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
Cushingberry	Kolb	Plakas	Whitmer
DeRoche	Kooiman	Polidori	Williams
Dillon	LaJoy	Proos	Wojno
Donigan	Law, David	Robertson	Zelenko
Drolet			

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Hildenbrand 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. 4835, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 57a.

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

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

Rep. Hansen moved to amend the bill as follows:

1. Amend page 3, following line 14, by inserting:

“(3) THE DEPARTMENT SHALL AWARD GRANTS UNDER THIS SECTION NOT LATER THAN AUGUST 31 OF THE FISCAL YEAR. IF THE DEPARTMENT DETERMINES AFTER THAT DATE THAT THERE ARE FUNDS ALLOCATED UNDER THIS SECTION THAT WILL NOT BE USED FOR GRANTS UNDER THIS SECTION FOR A PARTICULAR FISCAL YEAR, THEN THOSE UNUSED FUNDS SHALL NOT LAPSE TO THE STATE SCHOOL AID FUND BUT INSTEAD ARE ALLOCATED FOR THAT FISCAL YEAR FOR THE PURPOSES OF SECTION 99 AND SHALL BE DISTRIBUTED EQUALLY AMONG THE MATHEMATICS AND SCIENCE CENTERS RECEIVING FUNDING UNDER SECTION 99.” and renumbering the remaining subsection.

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

Rep. Stakoe 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. 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.

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

Roll Call No. 553

Yeas—82

Acciavatti	Farhat	Leland	Proos
Adamini	Farrah	Lemmons, III	Robertson
Amos	Gaffney	Lemmons, Jr.	Rocca
Angerer	Garfield	Marleau	Sak
Ball	Gillard	Mayes	Schuitmaker
Baxter	Gleason	McConico	Shaffer
Bieda	Gosselin	McDowell	Sheen
Booher	Green	Meisner	Sheltrown
Brandenburg	Hansen	Meyer	Spade
Brown	Hildenbrand	Moolenaar	Stahl
Byrnes	Hoogendyk	Moore	Stakoe
Byrum	Huizenga	Mortimer	Steil
Casperson	Hummel	Newell	Stewart
Caswell	Hune	Nitz	Taub
Caul	Jones	Nofs	Van Regenmorter
Cushingberry	Kahn	Palmer	Vander Veen
DeRoche	Kolb	Palsrok	Walker
Drolet	Kooiman	Pastor	Ward
Elsenheimer	LaJoy	Pavlov	Williams
Emmons	Law, David	Pearce	Zelenko
Espinoza	Law, Kathleen		

Nays—23

Accavitti	Condino	Miller	Vagnozzi
Anderson	Dillon	Plakas	Waters
Bennett	Donigan	Polidori	Wenke
Cheeks	Gonzales	Smith, Alma	Whitmer
Clack	Hood	Smith, Virgil	Wojno
Clemente	Hopgood	Tobocman	

In The Chair: Kooiman

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

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

Roll Call No. 554

Yeas—85

Accavitti	Emmons	LaJoy	Polidori
Acciavatti	Espinoza	Law, David	Proos
Adamini	Farhat	Lemmons, III	Robertson
Amos	Farrah	Lemmons, Jr.	Rocca
Angerer	Gaffney	Marleau	Sak
Ball	Garfield	Mayes	Schuitmaker
Baxter	Gillard	McDowell	Shaffer
Bennett	Gleason	Meisner	Sheen
Booher	Gosselin	Meyer	Sheltrown
Brandenburg	Green	Miller	Spade
Brown	Hansen	Moolenaar	Stahl
Byrnes	Hildenbrand	Moore	Stakoe
Byrum	Hood	Mortimer	Steil
Casperson	Hoogendyk	Newell	Stewart
Caswell	Huizenga	Nitz	Taub
Caul	Hummel	Nofs	Van Regenmorter
Condino	Hune	Palmer	Vander Veen
Cushingberry	Jones	Palsrok	Walker
DeRoche	Kahn	Pastor	Ward
Dillon	Kolb	Pavlov	Wojno
Drolet	Kooiman	Pearce	Zelenko
Elsenheimer			

Nays—20

Anderson	Donigan	McConico	Vagnozzi
Bieda	Gonzales	Plakas	Waters
Cheeks	Hopgood	Smith, Alma	Wenke
Clack	Law, Kathleen	Smith, Virgil	Whitmer
Clemente	Leland	Tobocman	Williams

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. 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 4271 (H-2) because the bill stretches the traditional definition of 'agricultural' to include commercial hunting operations. Under existing statutes, captive cervidae operations are already considered agricultural

operations in the Natural Resources and Environmental Protection (Right to Farm) Act, and also in PA 190. The State Tax Commission also recognizes these operations as a qualified agricultural property where the breeding and grazing of captive cervidae includes farms where cervidae are raised for the same or similar purposes as are customary in the breeding and grazing of other animals like cattle.

I oppose the bill because it treats hunting preserves, an operation that is essentially commercial in nature, and seeks to redefine it as agricultural. Not only will it result in a major tax break for these operations, and result in a major departure from the original intent of Proposal A, but it will substantially broaden the definition of ‘agricultural operations’ in this state. It will also reject a the sound ruling of the Michigan Tax Tribunal in Huron Bay Lodge v Arvon Township, Docket No. 282654, where the Tribunal found that deer hunting preserves are generally commercial in nature. In so ruling, the Tribunal correctly found that ‘the providing of lodging, food service, hunting guides, skinning and capping, cooler facility, and butchering services are not agricultural but commercial in nature.’

In committee, I heard the argument for House Bill 4271 (H-2) that there is no difference between an agricultural operation such as an apple orchard where individuals pick their own apples and a hunting operation where individuals pay to hunt on the hunting preserve. I am not persuaded by this argument. The comparison fails on a number of grounds — most notably the fact that the fees for hunting operations typically include a number of other costs and services and the total cost typically is substantially in excess of the cost of a ‘harvested’ deer. A quick look at the prices advertised by these hunting operations, available over the INTERNET, I found that these fees range from \$1,500 to \$15,500, hardly the price of a bushel of apples. In addition, quite a few of these operations listed have hotels/resorts attached to their operations for the clients to reside in during their stay — and it is unclear as to how these may be viewed under a traditional ‘agricultural’ taxation scheme if this bill were to pass.

Because of this concern with preserving the traditional definition of agricultural property for purposes of taxation under the scheme developed under Proposal A, I voted ‘no’ on House Bill 4271 (H-2).”

Rep. Ward moved that Rep. DeRoche be excused temporarily from today’s session.
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.

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

Roll Call No. 555

Yeas—84

Accavitti	Elsenheimer	LaJoy	Proos
Acciavatti	Emmons	Law, David	Robertson
Adamini	Espinoza	Lemmons, III	Rocca
Amos	Farhat	Lemmons, Jr.	Sak
Angerer	Farrah	Marleau	Schuitmaker
Ball	Gaffney	Mayer	Shaffer
Baxter	Garfield	McDowell	Sheen
Bennett	Gillard	Meyer	Sheltrown
Booher	Gleason	Miller	Spade
Brandenburg	Gosselin	Moolenaar	Stahl
Brown	Green	Moore	Stakoe
Byrnes	Hansen	Mortimer	Steil
Byrum	Hildenbrand	Newell	Stewart
Casperson	Hoogendyk	Nitz	Taub
Caswell	Huizenga	Nofs	Van Regenmorter
Caul	Hummel	Palmer	Vander Veen
Clemente	Hune	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Williams

Dillon	Kolb	Pearce	Wojno
Drolet	Kooiman	Polidori	Zelenko

Nays—20

Anderson	Gonzales	McConico	Tobocman
Bieda	Hood	Meisner	Vagnozzi
Cheeks	Hopgood	Plakas	Waters
Clack	Law, Kathleen	Smith, Alma	Wenke
Donigan	Leland	Smith, Virgil	Whitmer

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. 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.

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

Roll Call No. 556**Yeas—104**

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Emmons	Leland	Sak
Adamini	Espinoza	Lemmons, III	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayer	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	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
Cushingberry	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.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4315, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 6 of chapter IV (MCL 224.6), as amended by 1982 PA 299.

(The bill was received from the Senate on October 26, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 27, see House Journal No. 92, p. 2008.)

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

The substitute (S-1) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 557**Yeas—13**

Angerer	Clack	Gleason	Smith, Alma
Bieda	Condino	Kolb	Tobocman
Byrum	Donigan	Meisner	Zelenko
Cheeks			

Nays—91

Accavitti	Farrah	Lemmons, Jr.	Sak
Acciavatti	Gaffney	Marleau	Schuitmaker
Adamini	Garfield	Mayer	Shaffer
Amos	Gillard	McConico	Sheen
Anderson	Gonzales	McDowell	Sheltrown
Ball	Gosselin	Meyer	Smith, Virgil
Baxter	Green	Miller	Spade
Bennett	Hansen	Moolenaar	Stahl
Booher	Hildenbrand	Moore	Stakoe
Brandenburg	Hood	Mortimer	Steil
Brown	Hoogendyk	Newell	Stewart
Byrnes	Hopgood	Nitz	Taub
Casperson	Huizenga	Nofs	Vagnozzi
Caswell	Hummel	Palmer	Van Regenmorter
Caul	Hune	Palsrok	Vander Veen
Clemente	Jones	Pastor	Walker

Cushingberry	Kahn	Pavlov	Ward
Dillon	Kooiman	Pearce	Waters
Drolet	LaJoy	Plakas	Wenke
Elsenheimer	Law, David	Polidori	Whitmer
Emmons	Law, Kathleen	Proos	Williams
Espinoza	Leland	Robertson	Wojno
Farhat	Lemmons, III	Rocca	

In The Chair: Kooiman

The Speaker laid before the House

House Bill No. 4316, entitled

A bill to amend 1966 PA 293, entitled “An act to provide for the establishment of charter counties; to provide for the election of charter commissioners; to prescribe their powers and duties; to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission; to prescribe the mandatory and permissive provisions of a charter; to provide for the exercise by a charter county of certain powers whether or not authorized by its charter; and to prescribe penalties and provide remedies,” by amending section 14 (MCL 45.514), as amended by 1982 PA 300.

(The bill was received from the Senate on October 26, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 27, see House Journal No. 92, p. 2009.)

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. 558

Yeas—89

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

Nays—15

Adamini	Emmons	Meyer	Shaffer
Bennett	Garfield	Miller	Sheltrown

Brown
Byrnes

Mayes
McDowell

Rocca
Schuitmaker

Wojno

In The Chair: Kooiman

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

The Speaker laid before the House

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 bill was received from the Senate on October 27, with substitute (S-1)*, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 93, p. 2037.)

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. 559

Yeas—104

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Emmons	Leland	Sak
Adamini	Espinoza	Lemmons, III	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayes	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	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
Cushingberry	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 full title of the bill.

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

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 Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 4756, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310e (MCL 257.310e), as amended by 2004 PA 362.

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. LaJoy, David Law, Meyer, Casperson, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Chair, of the Committee on Transportation, was received and read: Meeting held on: Tuesday, November 1, 2005

Present: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

Absent: Reps. Wenke and Murphy

Excused: Reps. Wenke and Murphy

Reps. Cheeks, Clack, Condino and Hood asked and obtained an excuse from tomorrow's session.

Introduction of Bills

Rep. LaJoy introduced

House Bill No. 5381, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 537 and 1025 (MCL 436.1537 and 436.2025), section 537 as amended by 2001 PA 223 and section 1025 as amended by 2002 PA 725.

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

Rep. LaJoy introduced

House Bill No. 5382, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 3 (MCL 338.883), as amended by 2004 PA 275.

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

Reps. Sheen, Pastor, Taub, Booher, Garfield, Stahl, Drolet, Vander Veen, Gosselin, Rocca, Baxter, Huizenga, Hildenbrand, Hune, Hoogendyk, Palmer, Mortimer, Acciavatti, Nitz, Marleau, LaJoy, Caul, Green, Jones, Whitmer,

Newell, Meyer, Pearce, Elsenheimer, Gaffney, Amos, Kahn, Moore, Shaffer, Robertson, Hummel, Moolenaar and Brown introduced

House Bill No. 5383, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 30311 (MCL 324.30311), as added by 1995 PA 59.

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. Sheen, Pastor, Taub, Booher, Garfield, Stahl, Drolet, Vander Veen, Gosselin, Rocca, Baxter, Huizenga, Hildenbrand, Hune, Hoogendyk, Palmer, Mortimer, Acciavatti, Nitz, Marleau, LaJoy, Proos, Caul, Green, Jones, Hansen, Pearce, Newell, Elsenheimer, Meyer, Gaffney, Amos, Kahn, Moore, Shaffer, Robertson, Hummel, Moolenaar, Sheltroun and Brown introduced

House Bill No. 5384, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5508 (MCL 324.5508).

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. Sheen, Pastor, Taub, Booher, Garfield, Stahl, Drolet, Vander Veen, Gosselin, Rocca, Baxter, Huizenga, Hildenbrand, Hoogendyk, Hune, Palmer, Mortimer, Acciavatti, Nitz, Marleau, LaJoy, Caul, Green, Jones, Hansen, Newell, Pearce, Elsenheimer, Meyer, Gaffney, Amos, Kahn, Moore, Shaffer, Robertson, Hummel, Moolenaar, Sheltroun and Brown introduced

House Bill No. 5385, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5505, 5506, and 5522 (MCL 324.5505, 324.5506, and 324.5522), section 5522 as amended by 2001 PA 49, and by adding section 5506a.

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. Kahn, Wenke, David Law, Moore, Baxter, Emmons, Casperson, Marleau, LaJoy, Ball, Mortimer and Farhat introduced

House Bill No. 5386, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2004 PA 172. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Dillon, Alma Smith, Gleason, Tobocman, Zelenko, Vagnozzi, Adamini, Gaffney, Condino, Leland, Bieda, Meisner, Gillard, Ball, Clemente and Kolb introduced

House Bill No. 5387, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 255. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Dillon, Tobocman, Alma Smith, Gleason, Zelenko, Vagnozzi, Adamini, Gaffney, Condino, Leland, Bieda, Meisner, Gillard, Ball, Angerer and Kolb introduced

House Bill No. 5388, entitled

A bill to establish an intrastate prescription drug purchasing cooperative; to implement a bulk purchasing program; to establish a prescription drug benefit plan for certain residents of this state; to prescribe certain powers and duties of certain state agencies and departments; and to provide for the promulgation of rules.

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

Reps. Shaffer, Amos, Vander Veen, Caul, Proos, LaJoy, Marleau, Nitz, Pearce, Zelenko, Byrnes, Alma Smith, Farrah, Pastor, Casperson, Kahn, Kooiman, Palsrok, Newell, Ball, Green, Stahl, Robertson, Wojno, Gillard, Clack, Bennett, Mortimer, Hansen, Sheen, Farhat, Sak, Emmons, Vagnozzi, Donigan, Hune, Garfield, Polidori, Spade, Byrum, Gosselin and Gleason introduced

House Bill No. 5389, entitled

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

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

Reps. Bieda, Zelenko, Vagnozzi and Cushingberry introduced

House Bill No. 5390, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," (MCL 722.621 to 722.638) by amending the title, as amended by 1988 PA 372, and by adding section 3b.

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

Reps. Farrah, Clemente, Accavitti, Sak, Waters, Lemmons, Jr., Kathleen Law, Polidori, Tobocman, Clack, Hansen, Green, Vander Veen, Hopgood, Donigan, Hood, Lipsey, Kolb, McConico, Hune, Proos, Gonzales, Plakas, Virgil Smith and Farhat introduced

House Bill No. 5391, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," (MCL 691.1401 to 691.1419) by adding section 7c.

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

Reps. Kolb, Spade, Accavitti, Tobocman, Cushingberry, Plakas, Kathleen Law, Bieda, Gillard, Brown, Meisner, Sheltroun and Sak introduced

House Bill No. 5392, entitled

A bill to establish an accessible electronic information service program for blind and disabled individuals; to prescribe the powers and duties of certain departments, commissions, and telecommunications providers in relation to that program; and to impose a surcharge on telecommunications access lines.

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

Reps. Miller, Plakas, Bieda, Lemmons, Jr. and Lemmons, III introduced

House Bill No. 5393, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2003 PA 314.

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

Reps. Bieda, Plakas, Miller, Lemmons, Jr. and Lemmons, III introduced

House Bill No. 5394, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2004 PA 26.

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

Reps. Hood, Hoogendyk, LaJoy and Anderson introduced

House Bill No. 5395, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 98.

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

Rep. Cushingberry moved that the House adjourn.
The motion prevailed, the time being 4:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, November 2, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives