

**No. 24**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Tuesday, March 22, 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—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—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—excused
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Craig M. DeRoche, from the 38th District, offered the following invocation:

“On this day, one hundred and seventy-six years ago, Samuel Frances Smith penned these familiar words of prayer:

Our Fathers’ God, To Thee,  
Author of Liberty,  
To Thee we sing;  
Long may our land be bright  
With freedom’s holy light;  
Protect us by Thy might,  
Great God, our king.

Thank You, Father, for Your faithfulness in answering this prayer as it has been sung all through the years. You have answered the prayers of Your people in times of success and need, war and peace.

Today, grant us the women and men of this House of Representatives an acute awareness that millions of Michiganians prayers for us are being answered. May we see our work this week as Your answer to the prayers of the people of Michigan. Remind us that You provide for what You guide. You will meet our needs and, through us, meet the needs of our State. There is no limit to what can be done when we place our lives in Your all-powerful hands. Through our Lord and Savior. Amen.”

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

Rep. Waters moved that Rep. McConico be excused from today’s session.  
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

### **Second Reading of Bills**

#### **House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Tax Policy,

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

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

The motion prevailed.

#### **House Bill No. 4186, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5I (MCL 28.425I), as amended by 2002 PA 719.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Conservation, Forestry, and Outdoor Recreation,

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

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

The motion prevailed.

Rep. Brown moved that Reps. Adamini and Whitmer 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. 4001, entitled**

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

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

**Roll Call No. 40**

**Yeas—106**

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

**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. Anderson, Stewart, Drolet, Kolb, Lipsey, Kooiman, Vander Veen, Williams, Virgil Smith, Hopgood, Kathleen Law, Brandenburg, Bieda, Meisner, Vagnozzi, DeRoche, Taub, Garfield, Gleason, Caswell, Hoogendyk, Nofs, Ward, Sak, Nitz, Stahl, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Dillon, Angerer, Baxter, Booher, Byrnes, Cheeks, Clemente, Cushingberry, Elsenheimer, Espinoza, Gonzales, Gosselin, Hansen, Hildenbrand, Jones, Kahn, Kehrl, David Law, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Moore, Mortimer, Palmer, Pavlov, Pearce, Polidori, Proos, Rocca, Schuitmaker, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

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

**House Bill No. 4002, entitled**

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

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

**Roll Call No. 41**

**Yeas—105**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Anderson, Stewart, Kolb, Lipsey, Kooiman, Meyer, Hummel, Williams, Pastor, Hopgood, Brandenburg, Bieda, Clack, Condino, Vagnozzi, Accavitti, Amos, Garfield, Shaffer, Nofs, Wenke, Ward, Stahl, Sheen, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Baxter, Booher, Caul, Cushingberry, Elsenheimer, Espinoza, Gonzales, Gosselin, Hildenbrand, Jones, Kahn, Kehrl, David Law, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Mortimer, Palmer, Pavlov, Pearce, Polidori, Proos, Rocca, Sheltrown and Spade were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4272, entitled

A bill to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,”

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Veterans Affairs and Homeland Security,

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

Rep. Moore 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. Waters moved that Rep. Alma Smith 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. 4272, entitled

A bill to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” by amending section 1 (MCL 35.381), as amended by 1988 PA 263.

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

#### Roll Call No. 42

#### Yeas—105

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

Cushingberry	Kahn	Pastor	Waters
DeRoche	Kehrl	Pavlov	Wenke
Dillon	Kolb	Pearce	Williams
Donigan	Kooiman	Phillips	Wojno
Drolet	LaJoy	Plakas	Zelenko
Elsenheimer			

### Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Plakas, Anderson, Stewart, Phillips, Zelenko, Kolb, Lipsey, Kooiman, Hummel, Newell, Vander Veen, Williams, Brown, Virgil Smith, Hunter, Tobocman, LaJoy, Hopgood, Kathleen Law, Brandenburg, Acciavatti, Clack, Condino, Vagnozzi, Gleason, Robertson, Shaffer, Nofs, Ward, Byrum, Sak, Huizenga, Farhat, Moolenaar, Gillard, Dillon, Angerer, Ball, Baxter, Bennett, Byrnes, Cheeks, Clemente, Donigan, Espinoza, Gonzales, Gosselin, Kehrl, David Law, Lemmons, III, Lemmons, Jr., Mayes, McDowell, Miller, Mortimer, Polidori, Proos, Rocca and Spade were named co-sponsors of the bill.

### Second Reading of Bills

#### House Bill No. 4273, entitled

A bill to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” by amending section 1 (MCL 35.831), as amended by 1988 PA 263.

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

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

Rep. Elsenheimer 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. 4273, entitled

A bill to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” by amending section 1 (MCL 35.831), as amended by 1988 PA 263.

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

### Roll Call No. 43

### Yeas—106

Accavitti	Emmons	Law, Kathleen	Proos
Acciavatti	Espinoza	Leland	Robertson
Amos	Farhat	Lemmons, III	Rocca
Anderson	Farrah	Lemmons, Jr.	Sak
Angerer	Gaffney	Lipsey	Schuitmaker

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

### Nays—0

In The Chair: Kooiman

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 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” (MCL 35.381 to 35.833) by adding section 1a.

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. Waters, Anderson, Stewart, Phillips, Kolb, Lipsey, Kooiman, Meyer, Newell, Williams, Brown, Virgil Smith, Hunter, LaJoy, Hopgood, Meisner, Condino, Vagnozzi, Stakoe, Gleason, Shaffer, Nofs, Ward, Sak, Stahl, Huizenga, Moolenaar, Gillard, Dillon, Angerer, Ball, Baxter, Bennett, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Donigan, Espinoza, Gonzales, Gosselin, Green, Jones, Kahn, Kehrl, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Proos, Rocca, Schuitmaker, 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 Transportation, by Rep. LaJoy, Chair, reported

#### Senate Concurrent Resolution No. 12.

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

(For text of concurrent resolution, see House Journal No. 22, p. 311.)  
 With the recommendation that the concurrent resolution be adopted.  
 The concurrent resolution was laid over one day under the rules.

#### Favorable Roll Call

##### To Report Out:

Yeas: Reps. LaJoy, Gosselin, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law and Gleason  
 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: Monday, March 21, 2005  
 Present: Reps. LaJoy, Gosselin, Nitz, Moore, Pavlov, Pearce, Anderson, Byrnes, Kathleen Law and Gleason  
 Absent: Reps. David Law, Meyer, Casperson, Wenke, Murphy, Hood and Leland  
 Excused: Reps. David Law, Meyer, Casperson, Wenke, Murphy, Hood and Leland

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

##### **House Bill No. 4322, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b.  
 With the recommendation that the bill be referred to the Committee on Judiciary.

#### Favorable Roll Call

##### To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer  
 Nays: None  
 The recommendation was concurred in and the bill was referred to the Committee on Judiciary.

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

##### **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.

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, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer  
 Nays: None

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

##### **House Bill No. 4434, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, 17752, and 17763 (MCL 333.17708, 333.17751, 333.17752, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536, and by adding section 17753.

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, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, 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, March 22, 2005

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

Absent: Rep. Ward

Excused: Rep. Ward

## 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: Thursday, March 17, 2005

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

Absent: Reps. Hoogendyk and Sheen

Excused: Reps. Hoogendyk and Sheen

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

The Clerk announced that the following Senate bills had been received on Thursday, March 17:

**Senate Bill Nos. 179 297**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 17:

**Senate Bill Nos. 309 310 311 312 313 314 315 316**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, March 18, for her approval of the following bill:

**Enrolled House Bill No. 4210 at 11:19 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, March 18:

**House Bill Nos. 4508 4509 4510 4511 4512 4513 4514 4515 4516 4517 4518 4519 4520 4521  
4522 4523 4524 4525**

**Senate Bill Nos. 317 318 319 320 321 322 323 324 325 326 327 328 329 330  
331**

The Clerk announced that the following Senate bills had been received on Tuesday, March 22:

**Senate Bill No. 301**

By unanimous consent the House returned to the order of

**Messages from the Senate****House Bill No. 4054, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

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. 4197, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

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.

**Senate Bill No. 179, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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. 297, entitled**

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

The Senate has passed the bill.

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

**Senate Bill No. 301, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 1997 PA 99 and section 2 as amended by 2003 PA 143.

The Senate has passed the bill.

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

### Communications from State Officers

The following communication from the Family Independence Agency was received and read:

March 11, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report#</u>	<u>License#</u>
Interim	Benzie County FIA		CP100257832
Renewal	Iron County FIA		CP360201200

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,  
Marianne Udow  
Director

The communication was referred to the Clerk.

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

March 18, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of the Qualified Voter File and Digital Driver's License Systems,  
Department of State and Department of Information Technology  
March 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.

### Introduction of Bills

Reps. Lemmons, III, Lemmons, Jr., Espinoza, Cushingberry, Hunter, Cheeks, Zelenko, Sheltroun, Waters, Virgil Smith, Spade, Byrnes, Donigan, Clemente, Gonzales, McConico, Alma Smith, Condino, Bieda, Gosselin, Nofs, Hansen, Caul, Jones, Hummel, Stahl, Phillips, Anderson, Farrah, Meyer, Moore and Hoogendyk introduced

#### **House Bill No. 4526, 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. Lemmons, III, Lemmons, Jr., Cushingberry, Sheltroun, Cheeks, Zelenko, Drolet, Garfield, Phillips, Murphy, Bennett, Clemente, McDowell, Hildenbrand, Vander Veen, Meyer, Hansen and Hoogendyk introduced

#### **House Bill No. 4527, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.911) by adding section 4z.

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

Reps. David Law, Gosselin, Condino, Meisner, Marleau, Newell, Stakoe, Hildenbrand, Taub, Elsenheimer, Garfield, Jones, Rocca, Baxter, Schuitmaker and Nofs introduced

#### **House Bill No. 4528, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 2004 PA 458.

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

Reps. Donigan, Vagnozzi, Tobocman, Lipsey, Hopgood, Accavitti, Gillard, Gleason, Alma Smith, Kolb, Leland and Virgil Smith introduced

**House Bill No. 4529, entitled**

A bill to allow certain prescription drug manufacturers and labelers to enter into rebate agreements with the department of community health; to establish a discount prescription drug program for certain individuals; to allow certain retail pharmacies to offer certain discounts; to create certain funds; 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.

Rep. Gosselin introduced

**House Bill No. 4530, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 503, 523, and 1311e (MCL 380.503, 380.523, and 380.1311e), section 503 as amended by 2003 PA 299, section 523 as added by 2003 PA 179, and section 1311e as added by 1999 PA 23.

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Hildenbrand and Elsenheimer introduced

**House Bill No. 4531, entitled**

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 1 (MCL 408.551).

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Gleason, Vander Veen, Plakas and Cushingberry introduced

**House Bill No. 4532, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901, 16903, and 16905 (MCL 333.16901, 333.16903, and 333.16905), as added by 1995 PA 126.

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

Reps. Vander Veen, Taub, Gosselin, Nofs, Robertson, Jones, Kahn, Stewart, Stahl, Huizenga and Shaffer introduced

**House Bill No. 4533, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811m; and to repeal acts and parts of acts.

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

Reps. Vander Veen, Taub, Drolet, Gosselin, Steil, Marleau, Newell, Huizenga, Garfield and Hoogendyk introduced

**House Bill No. 4534, entitled**

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

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

Reps. Nofs, Stakoe, Meyer, Van Regenmorter, Gosselin, David Law, Garfield, Vander Veen, Stahl, Mortimer, Palmer, Baxter, Nitz, Pearce, Farhat and Shaffer introduced

**House Bill No. 4535, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1526 and 1531 (MCL 380.1526 and 380.1531), section 1526 as amended by 1995 PA 289 and section 1531 as amended by 2000 PA 497.

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

Reps. Booher, Elsenheimer, Hansen, Walker, Moolenaar, Moore, Caul, Sheen and Pastor introduced

**House Bill No. 4536, 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 first time by its title and referred to the Committee on Tax Policy.

Reps. Robertson, Caswell, Meyer, Gosselin and Gleason introduced

**House Bill No. 4537, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497, and by adding section 1161.

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

Reps. McConico, Tobocman, Hunter, Leland, Waters, Lemmons, Jr., Cushingberry, Gaffney, Virgil Smith, Cheeks and Lemmons, III introduced

**House Bill No. 4538, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2 and 8 (MCL 207.772 and 207.778), section 2 as amended by 2004 PA 396.

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

Reps. Virgil Smith, McConico, Tobocman, Hunter, Gaffney, Waters, Cheeks, Cushingberry, Leland and Lemmons, III introduced

**House Bill No. 4539, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 3 and 4 (MCL 207.773 and 207.774), section 3 as amended by 2004 PA 396 and section 4 as amended by 2004 PA 566.

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

Reps. Gaffney, McConico, Virgil Smith, Hunter, Cheeks, Cushingberry, Leland, Tobocman, Alma Smith, Lemmons, III and Waters introduced

**House Bill No. 4540, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

Rep. Byrum introduced

**House Bill No. 4541, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 518 (MCL 436.1518), as added by 2002 PA 725.

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

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

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

**House Bill No. 4482, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending section 1 (MCL 125.1801), as amended by 1998 PA 499.

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. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, 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, March 22, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

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

**House Bill No. 4433, entitled**

A bill to allow the display of the Ten Commandments on public property under certain circumstances.

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. Drolet, Hoogendyk, Gosselin, Garfield and Sheen

Nays: Reps. Tobocman, Lipsey and Lemmons, III

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

**House Resolution No. 24.**

A resolution to urge the Michigan Capitol Committee to recommend that a display of the Ten Commandments be placed in the Capitol.

(For text of resolution, see House Journal No. 12, p. 192.)

With the recommendation that the following substitute (H-3) be adopted and that the resolution then be adopted.

**Substitute for House Resolution No. 24.**

A resolution to urge the Michigan Capitol Committee to recommend that a display of the Ten Commandments and other documents that may be primarily religious in nature or origin and that have had an impact on this state's or this country's history be placed in the Capitol.

Whereas, The system of governance and the process of lawmaking that are symbolized by Michigan's Capitol have their roots in history and culture that have developed over the generations. Prominent among the landmarks of history that shape our society are the Ten Commandments. The fundamental values reflected in these laws are as relevant today as ever; and

Whereas, With principles of human behavior that cross all faiths, the Ten Commandments are often referred to by scholars as a building block of the legal system we know today. It is appropriate for us to take steps acknowledging this link; and

Whereas, The Michigan Capitol Committee was created by 1987 PA 123 to make recommendations to the leadership of the House, the Senate, and the Governor on the maintenance of the Capitol and its grounds. This committee, which is comprised of four members of the House of Representatives appointed by the Speaker, four members of the Senate appointed by the Majority Leader, and four members from the Executive Branch appointed by the Governor, may make recommendations to the Speaker, the Majority Leader, and the Governor regarding the implementation of all permanent physical changes to be made in or on the Capitol. Under the provisions of MCL § 4.1702, "Such recommendations shall take effect 15 days after the submission to the governor, senate majority leader and speaker of the house of representatives unless rejected in writing by the governor, senate majority leader or speaker of the house of representatives"; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Capitol Committee to recommend to the Speaker of the House of Representatives, the Senate Majority Leader, and the Governor that a display of the Ten Commandments and other documents that may be primarily religious in nature or origin and that have had an impact on this state's or this country's history be placed in the Capitol; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan Capitol Committee.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

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

Nays: Reps. Tobocman and Lipsey

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, March 22, 2005

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

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Rep. Schuitmaker moved that the House adjourn.

The motion prevailed, the time being 5:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, March 23, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

