

No. 30
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, April 19, 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—excused	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—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. John Espinoza, from the 83rd District, offered the following invocation:

“Thank you Mr. Speaker,

Let us pray. Heavenly Father we thank You for this beautiful day and the many blessings You have bestowed on our great state. We also thank You Lord for having given the members of this body the opportunity to act on the teachings of Your son Jesus Christ who taught us that we are judged by how we treat our sick, our poor, our elderly and our children.

We are thankful dear Lord to be given the privilege to lead and to act as role models on how a civil society conducts itself. We ask that our hearts and minds are ever mindful of Your teachings and that we never forget that it is about ‘we and us and never I or me.’

We ask that You place your healing hands on our servicemen and women that find themselves in harms way, and that You extend that hand to their loved ones.

We humbly ask and pray for these things in Your name. Amen.”

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

The Speaker assumed the Chair.

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 50.

A resolution of tribute offered as a memorial for Allison Green, former Speaker of the House of Representatives.

Whereas, The members of this legislative body were saddened to learn of the recent passing of Allison Green, a skilled and versatile public servant who served this state with great distinction for many years. As an educator, community leader, lawmaker, and state treasurer, Allison Green set standards of integrity, effectiveness, and excellence that continue to benefit the people of Michigan; and

Whereas, A proud son of Michigan’s Thumb region, Allison Green was born in Caro and studied in a one-room schoolhouse in Tuscola County. From a childhood that included learning about state government from the *Michigan Manual*, he went on to leadership responsibilities in several key public service positions; and

Whereas, A graduate of Central Michigan University, Allison Green worked as a teacher, coach, principal, and school superintendent prior to his election in 1950 to the House of Representatives. In his seven terms as a lawmaker, he earned the respect of his peers through his talent and hard work. He served as the Republican Floor Leader for eight years and as the Speaker of the House for 1963-64. After serving as the acting Auditor General in 1965, he was appointed by Governor Romney as the State Treasurer, a post he filled with efficiency for 13 years; and

Whereas, The span of Allison Green’s career in service to Michigan included many historic milestones, especially the implementation of a new constitution. Mr. Green’s steady influence, invaluable perspective, and trustworthiness were essential to the state’s adjustment and progress. Clearly, his place in the Michigan history he so enjoyed as a boy is secure; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Allison Green, former Speaker of the House of Representatives and State Treasurer; and be it further

Resolved, That copies of this resolution be transmitted to the Green family as evidence of our lasting esteem for his memory.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled "Michigan boxing regulatory act," by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4008, entitled

A bill to amend 1972 PA 251, entitled "An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements," by amending sections 1, 3, and 4 (MCL 390.501, 390.503, and 390.504).

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

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. 4275, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4481, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; and to repeal acts and parts of acts.

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

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

Rep. Gaffney 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. Palmer moved that Rep. Kahn 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. 4481, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759a (MCL 168.759a), as amended by 1999 PA 216; 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. 62

Yeas—108

Accavitti
Acciavatti

Emmons
Espinoza

Leland
Lemmons, III

Robertson
Rocca

Adamini	Farhat	Lemmons, Jr.	Sak
Amos	Farrah	Lipsev	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
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	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Waters, Plakas, Anderson, Stewart, Drolet, Phillips, Zelenko, Kolb, Lipsey, Meyer, Newell, Williams, Adamini, Brown, Hunter, Tobocman, LaJoy, Hopgood, Kathleen Law, Brandenburg, Condino, Vagnozzi, DeRoche, Taub, Amos, Caswell, Shaffer, Byrum, Steil, Sak, Walker, Gillard, Casperson, Dillon, Angerer, Booher, Caul, Cheeks, Clemente, Cushingberry, Elsenheimer, Espinoza, Gosselin, Hansen, Hildenbrand, Jones, Kehrl, David Law, Leland, Lemmons, III, Lemmons, Jr., Mayes, Miller, Moore, Pavlov, Pearce, Polidori, Proos, Rocca, Schuitmaker, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4569, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758 and 764b (MCL 168.758 and 168.764b), as amended by 1996 PA 207, and by adding section 763.

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

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 5, following line 2, by inserting:

“(6) EACH CITY, TOWNSHIP, OR VILLAGE CLERK MAY MAKE 1 VOTING MACHINE AVAILABLE THAT ALLOWS AN ABSENT VOTER UNDER THIS SECTION TO CHECK HIS OR HER BALLOT FOR ERRORS WITHOUT TABULATING THE BALLOT. THIS SUBSECTION APPLIES TO EACH COUNTY

CLERK WHO AGREES TO ALLOW ABSENT VOTERS TO VOTE AT THE COUNTY CLERK’S OFFICE PURSUANT TO SUBSECTION (5).”.

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

Rep. Meisner moved to amend the bill as follows:

1. Amend page 3, line 4, after “**REASON**” by striking out the balance of the subsection and inserting a period.

The question being on the adoption of the amendment offered by Rep. Meisner,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Meisner,

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

Roll Call No. 63

Yeas—51

Accavitti	Dillon	Leland	Sak
Adamini	Donigan	Lemmons, III	Sheltrown
Anderson	Espinoza	Lemmons, Jr.	Smith, Alma
Angerer	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayer	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko
Cushingberry	Law, Kathleen	Polidori	

Nays—57

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

In The Chair: Kooiman

Rep. Hood moved that Rep. Plakas be excused temporarily from today’s session.
The motion prevailed.

Rep. Bieda moved to amend the bill as follows:

1. Amend page 1, line 2, after "means" by striking out the balance of the bill and inserting "a qualified and registered elector who ~~meets 1 or more of the following requirements:~~

~~(a) On account of physical disability, cannot without another's assistance attend VOTES WITHOUT ATTENDING the polls on the day of an election.~~

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to ABSENT VOTER DOES NOT INCLUDE a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year does DO not constitute a residence for voting purposes in this state, except for each of the following:~~

~~(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.~~

~~(b) A person described in section 759a.~~

Sec. 759. (1) At any time during the 75 days before a primary **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of the Saturday immediately before the primary **ELECTION** or special primary **ELECTION**, an elector who **qualifies WANTS** to vote as an absent voter, ~~as defined in section 758~~, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **ELECTION** or special primary **ELECTION** may be for either that primary **ELECTION** only, or for that primary **ELECTION** and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who **qualifies WANTS** to vote as an absent voter, ~~as defined in section 758~~, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ **ELECTOR**.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application.~~ A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

"Application for absent voter ballot for:

The primary **ELECTION** or special primary election to be held on _____, ~~19...~~ _____ [DATE].

The election to be held on _____, ~~19...~~ _____ [DATE].

(Check applicable election or elections)

I, _____, a qualified and registered elector of the precinct of the township of _____ or village of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I have my request are:

I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

I am physically unable to attend the polls without the assistance of another.

I cannot attend the polls because of the tenets of my religion.

- I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.
 - I am 60 years of age or older.
 - I cannot attend the polls because I am confined to jail awaiting arraignment or trial.
- (Check applicable reason)

Send absent voter ballot to me at:

.....
 (Street No. or R.R.)

 (Post Office) (State) (ZIP CODE)
 My registered address
 (Street No. or R.R.)

 (Post Office) (State) (ZIP CODE)

Date

I ~~declare~~ **CERTIFY** that the statements in this absent voter ballot application are true.

.....
(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the office of the clerk must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

**Certificate of Authorized Registered
Elector Returning Absent Voter
Ballot Application**

I certify that my name is, my address is, and my date of birth is; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date) (Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

- (a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.
- (b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.
- (c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.
- (d) ~~In the event~~ **IF** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.

Sec. 759b. (1) ~~Any~~ A registered elector may apply for AN absent voter ~~ballots~~ **BALLOT** at any time ~~prior to~~ **BEFORE** 4 p.m. on election day if ~~he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family which~~ AN EVENT has occurred at a time ~~which has~~ **THAT** made it impossible to apply for AN absent voter ~~ballots~~ **BALLOT** by the statutory deadline. The application shall be called an emergency absent voter **BALLOT** application.

(2) Emergency absent voter **BALLOT** applications may be made by letter or on a form **PRESCRIBED BY THE SECRETARY OF STATE AND** provided by the clerk. The application shall set forth that the voter is qualified to vote in the election ~~, stating the statutory reason for applying for an emergency absent voter ballot and that the reason for applying after the statutory deadline~~ AN EVENT occurred at such a time to make it impossible to file an application for AN absent voter ~~ballots~~ **BALLOT** by the statutory deadline.

(3) ~~Any~~ A person intentionally making a false statement in ~~such~~ AN EMERGENCY ABSENT VOTER **BALLOT** application is guilty of a felony. ~~Any~~ A person aiding or abetting ~~any~~ ANOTHER person to make a false statement ~~on~~ ~~such~~ IN AN EMERGENCY ABSENT VOTER **BALLOT** application is guilty of a felony.

(4) Upon receipt by the clerk of a valid application for an emergency absent voter ballot, the clerk may deliver the ~~ballots~~ **ABSENT VOTER BALLOT** to the applicant in person, through a deputy or an election assistant, or ~~he may deliver them~~ at his OR HER office to a person named by the applicant in the **EMERGENCY ABSENT VOTER BALLOT** application. The **ABSENT** voter may return the ~~ballots~~ **ABSENT VOTER BALLOT** to the clerk ~~in the sealed envelope provided therefor~~ in any manner. ~~he sees fit. To~~ **HOWEVER, TO** be valid, ~~ballots must be returned~~ **THE ABSENT VOTER SHALL RETURN THE ABSENT VOTER BALLOT** to the clerk **IN THE SEALED ENVELOPE PROVIDED FOR THAT REASON AND** in time to be delivered to the polls ~~prior to~~ **BEFORE** 8 p.m. on election day.”.

The question being on the adoption of the amendment offered by Rep. Bieda,

Rep. Bieda demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Bieda,

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

Roll Call No. 64

Yeas—50

Accavitti	Dillon	Leland	Sak
Adamini	Donigan	Lemmons, III	Sheltrown
Anderson	Espinoza	Lemmons, Jr.	Smith, Alma
Angerer	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Polidori	Zelenko
Cushingberry	Law, Kathleen		

Nays—57

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub

DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kooiman	Pavlov	Vander Veen
Elsenheimer	LaJoy	Pearce	Walker
Emmons	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Rep. Pastor moved that Rep. Booher be excused temporarily from today's session.
The motion prevailed.

Rep. Espinoza moved to amend the bill as follows:

1. Amend page 3, line 12, after "IDENTITY." by inserting "**THE SECRETARY OF STATE SHALL ISSUE A PERSONAL IDENTIFICATION CARD, WITHOUT FEE OR CHARGE, TO A PERSON WHO INTENDS TO APPLY UNDER SUBSECTION (2) AND WHO DOES NOT CURRENTLY HAVE THE IDENTIFICATION REQUIRED UNDER THIS SUBSECTION.**".

The question being on the adoption of the amendment offered by Rep. Espinoza,

Rep. Espinoza demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Espinoza,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 65

Yeas—106

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

Nays—0

In The Chair: Kooiman

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

The motion prevailed.

Rep. Ward moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 4569, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758 and 764b (MCL 168.758 and 168.764b), as amended by 1996 PA 207, and by adding section 763.

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

Roll Call No. 66**Yeas—57**

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

Nays—51

Accavitti	Dillon	Leland	Sak
Adamini	Donigan	Lemmons, III	Sheltrown
Anderson	Espinoza	Lemmons, Jr.	Smith, Alma
Angerer	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko
Cushingberry	Law, Kathleen	Polidori	

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Stewart, Meyer, Hummel, Newell, Vander Veen, Gaffney, Pastor, LaJoy, Brandenburg, Acciavatti, DeRoche, Taub, Amos, Stakoe, Garfield, Hune, Robertson, Shaffer, Hoogendyk, Nofs, Wenke, Emmons, Steil, Nitz, Sheen, Huizenga, Moolenaar, Palsrok, Walker, Casperson, Ball, Baxter, Booher, Elsenheimer, Green, Hansen, Hildenbrand, Jones, David Law, Marleau, Moore, Mortimer, Pavlov, Pearce, Proos, Rocca and Schuitmaker were named co-sponsors of the bill.

Reps. Meisner, Bieda, Anderson and Brown moved that their names be removed as co-sponsors of the bill.

The motion prevailed.

Reps. Accavitti, Adamini, Brown, Kehrl, Kathleen Law, Waters, Whitmer and Zelenko, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on HB 4569 because in its present form it unfortunately twists an issue for which there is popular support – ‘no reason absent voting’ – into a partisan plan for disenfranchising certain segments of voters even while it ostensibly tries to make it more convenient for others.

Democrats and many Republicans have come out in support of no-reason absentee voting for Michigan voters. The implementation of no reason absentee voting was a recommendation set forth by the bipartisan Michigan Task Force on Voting Reform a couple of years ago. Local clerks around the state have expressed support for no reason absentee voting for several years. Nevertheless, we have not been able to get a no-reason absentee voting bill through the Republican-controlled Legislature. This bill was supposed to have been a small step towards making voting more convenient for voters, and, many had hoped, to ‘break the logjam’ that to date has prevented the implementation of no-reason absentee voting in Michigan.

Unfortunately the quest for partisan political power has once again trumped good policymaking in this Legislature. The bill’s requirement for photo ID is unnecessary to prevent potential fraud in this situation, and sets a precedent to restrict the rights and participation of voters into the future. Any potential for voter fraud in this situation would already be minimized by the bill’s other process requirements. Under the bill the voter must already present himself or herself in person to an official in the clerk’s office and then sign an affidavit with criminal penalties for false statements. Similarly, the bill’s photo ID requirement is more restrictive than even the federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan. The primary purpose the bill’s stringent photo ID requirement will serve, as it is currently written, is to be a ‘poll tax.’

Finally, because the bill provides for early voting only at clerks’ offices, some voters will be disenfranchised of the opportunity for early voting under this bill based on where they live: namely, voters whose clerks’ offices do not keep regular business hours, or those whose clerks’ offices are not easily accessible due to lack of parking, etc.”

Rep. Sheltroun, 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:

Sec of State will not be able to get photo id out in a timely manner before elections, therefore, making it more difficult to vote.”

Rep. Tobocman, 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:

While I believe that the intent of this legislation is admirable and we do need to open our voting processes to make it easier for citizens to vote, I believe that it is absolutely imperative that such opportunities be equally available to all of our citizens. By requiring a photo identification for early voting and not retaining provisions for those citizens who have moral and/or religious objections to being photographed, such as certain female followers of Islam, this bill creates a new method of voting on an unequal basis and I must regretfully oppose its adoption.”

Rep. Gonzales, 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 HB 4569 because in its present form it unfortunately twists an issue for which there is popular support – ‘no reason absent voting’ – into a partisan plan for disenfranchising certain segments of voters even while it ostensibly tries to make it more convenient for others.

Democrats and many Republicans have come out in support of no-reason absentee voting for Michigan voters. The implementation of no reason absentee voting was a recommendation set forth by the bipartisan Michigan Task Force on Voting Reform a couple of years ago. Local clerks around the state have expressed support for no reason absentee voting for several years. Nevertheless, we have not been able to get a no-reason absentee voting bill through the Republican-controlled Legislature. This bill was supposed to have been a small step towards making voting more convenient for voters, and, many had hoped, to 'break the logjam' that to date has prevented the implementation of no-reason absentee voting in Michigan.

Unfortunately the quest for partisan political power has once again trumped good policymaking in this Legislature. The bill's requirement for photo ID is unnecessary to prevent potential fraud in this situation, and sets a precedent to restrict the rights and participation of voters into the future. Any potential for voter fraud in this situation would already be minimized by the bill's other process requirements. Under the bill the voter must already present himself or herself in person to an official in the clerk's office and then sign an affidavit with criminal penalties for false statements. Similarly, the bill's photo ID requirement is more restrictive than even the federal identification requirement imposed on first-time mail registrants who have never previously voted in Michigan. The primary purpose the bill's stringent photo ID requirement will serve, as it is currently written, is to be a 'poll tax.' It should not be 'pay to play.'

Finally, because the bill provides for early voting only at clerks' offices, some voters will be disenfranchised of the opportunity for early voting under this bill based on where they live: namely, voters whose clerks' offices do not keep regular business hours, or those whose clerks' offices are not easily accessible due to lack of parking, etc."

Rep. Cushingberry, 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:

While the Espinoza amendment made the concept somewhat more palatable, the bill still reeks of literacy tests, poll taxes, and other barriers to voting from a bygone era. Why not just expand the opportunity for universal absentee voting. As amended we have an impractical situation; one who could want to vote and had no photo i.d. could show up at his local Clerks office and demand the Secretary of State be required to give a free i.d. so that he or she could vote. Will we finally get Secretary of States offices in every local clerks office who have the capabilities to issue immediate free i.d.?

We allow x's for signatures but signatures are no longer o.k.? This bill does the opposite of what it purports to do and I can't in good conscious support this concept."

Second Reading of Bills

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.

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

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

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

The motion prevailed.

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.

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

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

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

The motion prevailed.

Rep. Hildenbrand moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

By unanimous consent the House returned to the order of
Motions and Resolutions

Reps. Lemmons, III, Lemmons, Jr., Condino, Cushingberry, Miller, Bennett, Kehrl, Vagnozzi, Zelenko, Murphy, Virgil Smith, Farrah, Clack, Hopgood, Kathleen Law, Leland, Polidori, Espinoza, McDowell, Alma Smith, Lipsey, Tobocman, Kolb, Phillips, Gonzales, Hood, Garfield, Sheltroun, Waters, Byrum, Clemente, Anderson, McConico, Cheeks, Accavitti, Bieda, Brown, Dillon, Gleason, Mayes, Newell and Sak offered the following resolution:

House Resolution No. 51.

A resolution to memorialize the United States Congress and the President of the United States to reauthorize the Voting Rights Act of 1965.

Whereas, This year marks the 40th anniversary of the Voting Rights Act of 1965, which is widely considered to be the most successful piece of civil rights legislation ever enacted by the United States Congress. The landmark act codifies and effectuates the 15th Amendment’s guarantee that no person shall be denied the right to vote on account of race or color. Over the years, this legislation has successfully removed direct and indirect barriers to voting by African Americans and other racial minorities; and

Whereas, Section 5 of the act requires jurisdictions with histories of racial bigotry and discrimination to obtain prior approval from the Department of Justice before adopting any new qualifications, prerequisites, standards, practices, or procedures related to voting. Prior approval is only to be granted if the proposed changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color; and

Whereas, Although the Voting Rights Act of 1965 does not expire, Section 5, as well as other sections of the act, are required to be extended by Congress. These sections, which have been remarkably effective in preventing covered jurisdictions from evading the act, were extended in 1970, 1975, and 1982 and are up for reauthorization in 2007. If Section 5 is not extended, then covered jurisdictions may weaken the voting strength of African Americans by challenging majority-black districts, changing elected positions to appointive ones, and transforming district elections to at-large elections; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress and the President of the United States to reauthorize the Voting Rights Act of 1965; and be it further

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

The resolution was referred to the Committee on Government Operations.

Notices

April 1, 2005

The Honorable Jennifer Granholm
Governor of Michigan
P.O. Box 30013
Lansing, MI 48909

Dear Governor Granholm:

Pursuant to MCL 324.21552(2)(a), I am reappointing Messrs. Rick Wilcox and William McCarthy to the Refined Petroleum Cleanup Advisory Council.

Sincerely,
Craig DeRoche
Speaker of the House

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, April 14:

Senate Bill Nos. 372 373 374 375 376 377 378 379 380 381

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, April 15:

House Bill Nos. 4609 4610 4611 4612 4613 4614 4615 4616 4617 4618 4619 4620 4621 4622
Senate Bill Nos. 382 383 384 385 386 387 388 389 390

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

Enrolled House Bill No. 4117 at 1:56 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, April 19, for her approval of the following bill:

Enrolled House Bill No. 4308 at 3:02 p.m.

Messages from the Governor

The following message from the Governor was received April 18, 2005 and read:

EXECUTIVE ORDER No. 2005 – 9

TASK FORCE ON LOCAL GOVERNMENT SERVICES AND FISCAL STABILITY

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 4 of Article V of the Michigan Constitution of 1963 authorizes the establishment of temporary commissions or agencies for special purposes;

WHEREAS, Section 17 of Article V of the Michigan Constitution of 1963 empowers the Governor to present to the Legislature information as to the affairs of the state and recommend measures that the Governor considers necessary or desirable;

WHEREAS, under Section 1 of Article VII of the Michigan Constitution of 1963 each county in Michigan is a body corporate with powers and immunities provided by law;

WHEREAS, under Section 17 of Article VII of the Michigan Constitution of 1963 each township in Michigan is a body corporate with powers and immunities provided by law;

WHEREAS, under Section 21 of Article VII of the Michigan Constitution of 1963, the Legislature must provide by general laws for the incorporation of cities and villages;

WHEREAS, the health of local government is a critical issue for the State of Michigan as local governments deliver vital services for Michigan residents;

WHEREAS, because of the interdependent relationship between the State of Michigan and its local governments, healthy local governments are a key element in Michigan's prosperity;

WHEREAS, many residents of this state, businesses seeking to locate or expand in Michigan, and entities lending money to this state perceive the financial health of Michigan's local governments as a measure of the financial health of the State of Michigan;

WHEREAS, local governments in Michigan face increasing demand for public services from citizens while at the same time the cost of providing the services is increasing and revenues to provide new and existing services are constrained;

WHEREAS, state laws, regulations, and programs sometimes hinder the cost-effective delivery of public services by local governments;

WHEREAS, state policies and competition for diminished resources can serve as a barrier to greater cooperation among local governments, favoring inefficient independence over efficient interdependence;

WHEREAS, the relationship between the state and its local governments and the system of financing local government should be reexamined to identify policies that encourage fiscal stability, cooperation, service efficiency, and regional economic growth;

WHEREAS, it is important that local governments have a forum to discuss and attempt to address services provided by local governments and local government finances;

WHEREAS, it is appropriate for local governments in Michigan to seek innovative and flexible options that will allow local governments to better meet the needs of their citizens and that allow the state and local governments to more effectively work together;

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 the following:

I. DEFINITIONS

As used in this Order:

A. "Department" means the Department of Treasury, a principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

B. "Task Force" means the Task Force on Local Government Services and Fiscal Stability created under this Order.

II. CREATION OF THE TASK FORCE ON LOCAL GOVERNMENT SERVICES AND FISCAL STABILITY

A. The Task Force on Local Government Services and Fiscal Stability is created as an advisory body within the Department as a forum for the discussion of issues relating to local government services and fiscal stability by representatives of local governments in Michigan.

B. The Task Force shall consist of 15 members appointed by the Governor, including each of the following:

1. 4 members representing cities or villages.
2. 4 members representing counties.
3. 4 members representing townships.
4. 3 members representing special purpose local districts or authorities serving more than 1 local unit of government or other intergovernmental entities created by more than 1 local unit of government other than a school district or intermediate school district.

C. In addition to the members appointed under Section II.B, the State Treasurer and the State Budget Director, or their designees, shall serve as ex officio, non-voting members of the Task Force.

D. Members of the Task Force appointed by the Governor under Section II.B shall serve at the pleasure of the Governor.

E. A vacancy on the Task Force shall be filled in the same manner as the original appointment.

III. CHARGE TO THE TASK FORCE

A. The Task Force shall act in an advisory capacity and shall do all of the following:

1. Examine existing sources of revenue for local governments in Michigan.
2. Review services provided by local governments in Michigan, including mandated and non-mandated services, and how those services are funded.
3. Identify state laws, policies, regulations, and funding formulas that contribute to any of the following:
 - a. Imposition of, or contribution to, fiscal constraints on local governments.
 - b. Inhibiting the ability of local governments to attract economic development and encourage vibrant communities.
 - c. Hindering the ability of local governments to deliver services effectively.
 - d. Restraining the ability to maintain an acceptable quality of life for citizens served by local governments.
4. Identify policies or practices that negatively impact cooperation among local governments for efficient delivery of services and recommend incentives for local governments to work cooperatively.
5. Discuss potential changes in policy that would allow local governments to better provide essential services, improve efficiency, support cooperation among local governments, contribute to a more effective relationship between state and local government in Michigan, and spur economic growth.

B. The Task Force shall provide other information, recommendations, or advice as requested by the Governor or the State Treasurer.

C. The Task Force shall complete its work and issue a final report and recommendations, including any proposed changes in law, to the Governor by November 30, 2005.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Department as directed by the Governor, subject to available resources and funding. Any budgeting, procurement, and related management functions of the Task Force shall be performed under the direction and supervision of the State Treasurer.

B. The Task Force shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The State Treasurer or his or her designated representative shall serve as the Chairperson of the Task Force.

D. The Department shall assist the Task Force with recordkeeping responsibilities.

E. A majority of the members of the Task Force serving constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its serving members.

F. The Task Force shall meet at the call of the Chairperson.

G. The Task Force shall establish subcommittees to study specific issues and report recommendations to the Task Force. The Chairperson may designate members of the Task Force as Subcommittee Leaders. The Task Force and its subcommittees may request public participation on workgroups as the Task Force deems necessary. The Task Force may also adopt, reject, or modify any recommendations proposed by a subcommittee or a workgroup.

H. The Task Force may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Task Force may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

I. Members of the Task Force shall serve without compensation. Members of the Task Force may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

J. The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of

its duties as the State Treasurer deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Department of Management and Budget and the Civil Service Commission.

K. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person.

L. Members of the Task Force shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Task Force.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of April, 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 communications from the Department of Human Services were received and read:

April 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>
Renewal	Presque Isle County DHS		CP710201368

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.

April 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>
Special Investigation	Cheboygan County DHS	2005C0102008	CP160201035

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 communications were referred to the Clerk.

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

April 14, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Solid Waste Disposal and Scrap Tire Program Activities,
Waste and Hazardous Materials Division,
Department of Environmental Quality
April 2005

April 15, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Chippewa Correctional Facility and Straits Correctional Facility,
Department of Corrections
April 2005

April 15, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Bellamy Creek Correctional Facility,
Department of Corrections
April 2005

April 15, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Center for Forensic Psychiatry and Related Bureauwide Reimbursement Activities,
Bureau of Hospitals, Centers, and Forensic Mental Health Services,
Department of Community Health
April 2005

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

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

Introduction of Bills

Reps. Nitz, Mayes, Kathleen Law, Hune and Ball introduced

House Bill No. 4623, entitled

A bill to amend 1970 PA 29, entitled "An act relating to potatoes; to create a potato commission; to prescribe its powers and duties and authority; to impose an assessment on the privilege of introducing potatoes into the channels of trade and commerce; to provide for the collection of the assessment; to provide for penalties; and to repeal certain acts and parts of acts," by amending section 2 (MCL 290.422), as amended by 2000 PA 5.

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

Reps. Vander Veen, Clack, Anderson, Meisner, Williams and Newell introduced

House Bill No. 4624, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12905 (MCL 333.12905), as amended by 1993 PA 242, and by amending the heading to part 129; and to repeal acts and parts of acts.

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

Reps. Clack and Vander Veen introduced

House Bill No. 4625, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12601 (MCL 333.12601), as amended by 1988 PA 315; and to repeal acts and parts of acts.

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

Reps. Condino, Wojno, Plakas, Anderson, Alma Smith, Bieda, Tobocman, Polidori, Vagnozzi, Accavitti, Kolb, Meisner and Lemmons, III introduced

House Bill No. 4626, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding sections 3575 and 3577.

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

Reps. Condino, Wojno, Plakas, Anderson, Alma Smith, Donigan, Bieda, Tobocman, Polidori, Vagnozzi, Leland, Accavitti, Lemmons, III, Kolb and Meisner introduced

House Bill No. 4627, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2038 (MCL 500.2038).

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

Reps. Condino, Kolb, Wojno, Plakas, Alma Smith, Bieda, Tobocman, Polidori, Vagnozzi, Leland, Gleason, Accavitti, Meisner, Whitmer and Lemmons, III introduced

House Bill No. 4628, entitled

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending the title and sections 102, 103, 202, 203, 204, 205, 206, 207, 209, 302, 402, 502, 504, 505, and 506 (MCL 37.2102, 37.2103, 37.2202, 37.2203, 37.2204, 37.2205, 37.2206, 37.2207, 37.2209, 37.2302, 37.2402, 37.2502, 37.2504, 37.2505, and 37.2506), the title as amended by 1992 PA 258, sections 102, 502, 504, 505, and 506 as amended by 1992 PA 124, section 103 as amended by 1999 PA 202, section 202 as amended by 1991 PA 11, and section 402 as amended by 1993 PA 216.

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

Reps. Sak, Wojno, Plakas, Lipsey and Gaffney introduced

House Bill No. 4629, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1f and 3 of chapter IX, section 3 of chapter XI, section 8 of chapter XII, and section 22 of chapter XIV (MCL 769.1f, 769.3, 771.3, 772.8, and 774.22), section 1f of chapter IX as amended by 2002 PA 120, section 3 of chapter IX as amended by 1998 PA 231, section 3 of chapter XI as amended by 2004 PA 330, section 8 of chapter XII as amended by 1994 PA 71, and section 22 of chapter XIV as amended by 1980 PA 506.

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

Reps. David Law, Van Regenmorter, Gosselin, Jones, Ward, Marleau, Kahn, Hildenbrand, Elsenheimer, Taub, Schuitmaker, Hune, Nitz and Nofs introduced

House Bill No. 4630, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625a (MCL 257.625a), as amended by 2003 PA 61.

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

Reps. David Law, Gosselin, Jones, Ward, Marleau, Kahn, Hildenbrand, Elsenheimer, Taub, Schuitmaker, Hune, Nitz, Nofs and Condino introduced

House Bill No. 4631, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2004 PA 62.

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

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

House Bill No. 4632, entitled

A bill to amend 1999 PA 212, entitled "An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion," (MCL 15.601 to 15.603) by adding section 4.

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

Reps. Kolb and Lipsey introduced

House Bill No. 4633, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Gleason, Dillon, Lipsey, Plakas, Garfield, Tobocman, Anderson, Jones, Hunter, Hopgood, Williams, Hood, Clack, Adamini, McConico, Brown, Virgil Smith, Zelenko, Sheltroun, Gonzales, Kehrl, Farrah, Condino, Bieda, Espinoza and Cheeks introduced

House Bill No. 4634, entitled

A bill to amend 1968 PA 330, entitled "Private security business and security alarm act," by amending section 33 (MCL 338.1083), as amended by 2000 PA 411.

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

Rep. Hansen introduced

House Bill No. 4635, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8515 and 8516 (MCL 324.8515 and 324.8516), as added by 1995 PA 60.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Hummel, Chair, reported

Senate Concurrent Resolution No. 8.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Health Diagnostic Laboratory.

(For text of concurrent resolution, see House Journal No. 27, p. 385.)

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. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Nays: None

The Committee on Appropriations, by Rep. Hummel, Chair, reported

Senate Concurrent Resolution No. 9.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and Central Michigan University relative to the Central Michigan University Health Professions Building.

(For text of concurrent resolution, see House Journal No. 27, p. 386.)

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. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Nays: None

The Committee on Appropriations, by Rep. Hummel, Chair, reported
Senate Concurrent Resolution No. 10.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan – Ann Arbor Central Campus Renovation Phase II – Mason Hall and Haven Hall.

(For text of concurrent resolution, see House Journal No. 27, p. 387.)

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. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Nays: None

The Committee on Appropriations, by Rep. Hummel, Chair, reported
Senate Concurrent Resolution No. 11.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Management and Budget Roosevelt Parking Facility.

(For text of concurrent resolution, see House Journal No. 27, p. 388.)

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. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Nays: None

The Committee on Appropriations, by Rep. Hummel, Chair, reported
Senate Concurrent Resolution No. 13.

A concurrent resolution to increase the total project cost of the General Campus Renovations project at St. Clair Community College.

(For text of concurrent resolution, see House Journal No. 27, p. 389.)

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. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hummel, Chair, of the Committee on Appropriations, was received and read:
 Meeting held on: Tuesday, April 19, 2005

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

Absent: Reps. Stewart and Kahn

Excused: Reps. Stewart and Kahn

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4366, entitled

A bill to repeal 1897 PA 160, entitled "An act to establish a lien upon horses and other animals for the cost of shoeing the same," (MCL 570.351 to 570.363).

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4560, entitled

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending the title and section 9 (MCL 286.259) and by adding section 10.

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Kathleen Law

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4562, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding sections 28 and 29.

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Kathleen Law

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

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

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 4613, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Kathleen Law

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 19, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 19, 2005

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

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, April 19, 2005

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

Absent: Rep. Bennett

Excused: Rep. Bennett

Rep. Plakas moved that the House adjourn.

The motion prevailed, the time being 5:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, April 20, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives