

**No. 35**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Thursday, April 28, 2005.

10:30 a.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—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—e/d/s
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—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—excused		

e/d/s = entered during session

Rep. Robert Gosselin, from the 41st District, offered the following invocation:

“Dear Lord. The Hymn writer of old once wrote, ‘Faith of our fathers, that living faith.’ And we are reminded of our past and of the faith of our Founding Fathers and the values and principles they stood for.

O God how we need our county to get back to those values that are of such importance to us, our county, our families and our children. May we realize that any change that needs to take place starts within us – individually. And of another hymn writer who wrote the hymn, ‘Abide with me,’ may we ask ourselves in our own way that You Lord ‘abide with me.’ We are imperfect people trying to make a perfect system, and You have told us in Your word: ‘That life is but a vapor, it is here for a moment and then it is gone.’ May we learn to number our days O Lord and ask You to abide with us.

God, we want to ask for safety to those who are around the world defending freedom and who are in ‘harms way.’ We ask You to help them, to be with them and their families and be their special comforter in these times.

We pray this in the name of the one, who brought us peace. In Jesus name, Amen.”

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

### Second Reading of Bills

#### Senate Bill No. 199, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 1021 (MCL 436.2021), as amended by 2002 PA 725.

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

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

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

The motion prevailed.

#### House Bill No. 4614, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 81101, 81134, 81135, 81136, 81137, 81140, 81141, and 81144 (MCL 324.81101, 324.81134, 324.81135, 324.81136, 324.81137, 324.81140, 324.81141, and 324.81144), section 81101 as amended by 2003 PA 111, section 81134 as amended by 2001 PA 12, section 81135 as amended by 1999 PA 22, sections 81136 and 81141 as amended by 1996 PA 175, and sections 81137, 81140, and 81144 as added by 1995 PA 58, and by adding section 81140b.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 4615, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 80101, 80171, 80176, 80180, 80183, 80184, 80187, and 80190 (MCL 324.80101, 324.80171, 324.80176, 324.80180, 324.80183, 324.80184, 324.80187, and 324.80190), sections 80101, 80171, and 80190 as added by 1995 PA 58, section 80176 as amended by 2001 PA 12, and sections 80180, 80183, 80184, and 80187 as amended by 1996 PA 174.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 4616, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 82101, 82127, 82136, 82139, 82140, and 82143 (MCL 324.82101, 324.82127, 324.82136, 324.82139, 324.82140, and 324.82143), section 82101 as amended by 2004 PA 587, section 82127 as amended by 2001 PA 12, section 82136 as added by 1995 PA 58, and sections 82139, 82140, and 82143 as amended by 1996 PA 183.

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

The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
Rep. Condino moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

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

**House Bill No. 4118, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1318.  
The bill was read a third time.  
The question being on the passage of the bill,

Rep. Kehrl moved to amend the bill as follows:

1. Amend page 1, line 6, after "**DIRECTORS.**" by inserting "**THE GOVERNING BODY OF A NONPUBLIC SCHOOL IS ENCOURAGED TO ADOPT AN ELIGIBILITY POLICY THAT MEETS THE REQUIREMENTS OF THIS SECTION.**"

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.  
The question being on the passage of the bill,

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

**Roll Call No. 94**

**Yeas—108**

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

Rep. Sheen entered the House Chambers.

**House Bill No. 4594, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410 (MCL 333.7410), as amended by 2000 PA 302.

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

**Roll Call No. 95**

**Yeas—108**

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

**Nays—1**

Drolet

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, Phillips, Zelenko, Lipsey, Kooiman, Meyer, Vander Veen, Brown, Gaffney, Farrah, Pastor, LaJoy, Brandenburg, Bieda, Wojno, Acciavatti, Condino, Vagnozzi, Taub, Accavitti, Hune, Gleason, Nofs, Ward, Sak, Stahl, Sheen, Farhat, Moolenaar, Gillard, Ball, Booher, Caul, Cheeks, Donigan, Elsenheimer, Espinoza, Gonzales, Hansen, Hildenbrand, Jones, Kahn, Kehrl, Leland, Lemmons, III, Lemmons, Jr., Mayes, McDowell, Palmer, Pearce, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

**House Bill No. 4595, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7410a (MCL 333.7410a), as amended by 2000 PA 314.

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

**Roll Call No. 96**

**Yeas—108**

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

**Nays—1**

Drolet

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. McConico, Anderson, Stewart, Zelenko, Lipsey, Kooiman, Vander Veen, Brown, Gaffney, Farrah, Bieda, Wojno, Acciavatti, Condino, Vagnozzi, Taub, Accavitti, Stakoe, Hune, Gleason, Ward, Sak, Nitz, Stahl, Moolenaar, Palsrok, Gillard, Dillon, Booher, Caul, Cheeks, Clemente, Donigan, Elsenheimer, Espinoza, Gonzales, Hansen, Jones, Kahn, Kehrl, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Moore, Mortimer, Palmer, Pearce, Polidori, Proos, Rocca, Schuitmaker, Sheltrown, Alma Smith and Spade were named co-sponsors of the bill.

### House Bill No. 4596, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 18 of chapter XVII (MCL 777.18), as amended by 2000 PA 304.

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

### Roll Call No. 97

### Yeas—108

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

### Nays—1

Drolet

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. McConico, Anderson, Stewart, Phillips, Zelenko, Lipsey, Kooiman, Vander Veen, Brown, Farrah, Bieda, Wojno, Acciavatti, Condino, Vagnozzi, Accavitti, Stakoe, Hune, Gleason, Nofs, Ward, Sak, Nitz, Stahl, Moolenaar,

Gillard, Ball, Booher, Cheeks, Clemente, Elsenheimer, Espinoza, Gonzales, Hansen, Hildenbrand, Jones, Kahn, Kehrl, Leland, Lemmons, III, Lemmons, Jr., Mayes, McDowell, Moore, Mortimer, Pearce, Polidori, Proos, Rocca, Sheltroun, Spade and Murphy were named co-sponsors of the bill.

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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  
**Motions and Resolutions**

Reps. Miller, Vagnozzi, Meisner, Bieda, Angerer, Condino, Hopgood, Kathleen Law, Lipsey, Accavitti, Kolb, Plakas, Cheeks, Adamini, Anderson, Ball, Bennett, Brown, Byrnes, Byrum, Caul, Clack, Clemente, Cushingberry, Farrah, Gaffney, Gleason, Hildenbrand, Kehrl, Lemmons, III, Lemmons, Jr., Mayes, McConico, McDowell, Mortimer, Pearce, Polidori, Proos, Sak, Sheltroun, Alma Smith, Spade, Stahl, Taub, Tobocman, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 60.**

A resolution to memorialize the Congress and the President of the United States to refrain from making cuts to Medicaid.

Whereas, Congress is presently debating proposed cuts to the Medicaid budget. These reductions would seriously threaten services available to our most vulnerable populations, including children from low-income families, the disabled, and the elderly poor. According to the Center on Budget and Policy Priorities, Michigan alone could lose between \$411 million and \$552 million between 2006 and 2010; and

Whereas, Cuts to Medicaid would jeopardize the financial situations in state capitals across the country. As a unique, state-federal partnership, Medicaid spending represents a large portion of the budgets of many states, including Michigan. The impact of this program in providing a safety net for people in need is profound. Through the Temporary Assistance for Needy Families block grant program, Food Stamps, and health services for the poor, Medicaid helps millions of Americans, especially the very young and the very old, who find themselves in dire straits; and

Whereas, Michigan has gone to great lengths to maintain protections for our vulnerable men, women, and children. With deeper cuts in Medicaid, few options would be available to address the severe problems facing some of our fellow citizens; and

Whereas, Medicaid represents an investment in our people. As has been said many times, how a society deals with the frail and the vulnerable reflects on the society's priorities and values. Even in difficult financial times, caring for the needy and having programs in place to help them gain self-sufficiency whenever possible makes our country stronger; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to refrain from making cuts to Medicaid; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President, 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 Appropriations.

Reps. Miller, Sak, Kooiman, Accavitti, Adamini, Anderson, Angerer, Ball, Baxter, Bennett, Bieda, Booher, Brown, Byrnes, Byrum, Caul, Clack, Clemente, Condino, Cushingberry, Farhat, Farrah, Gaffney, Gleason, Gosselin, Hansen, Hildenbrand, Hopgood, Kahn, Kehrl, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McConico, McDowell, Meyer, Mortimer, Nofs, Palmer, Palsrok, Pearce, Plakas, Polidori, Proos, Rocca, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Stewart, Taub, Tobocman, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 61.**

A resolution recognizing May 3, 2005, as Teacher Appreciation Day in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the state of Michigan has made considerable progress in the social, technological and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it further

Resolved by the House of Representatives, That the members of this legislative body recognize May 3, 2005, as Teacher Appreciation Day in the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Palmer, Sak, Kooiman, Accavitti, Adamini, Anderson, Angerer, Baxter, Bennett, Bieda, Booher, Brown, Byrnes, Byrum, Caswell, Caul, Clack, Clemente, Condino, Cushingberry, Farhat, Farrah, Gaffney, Gleason, Gosselin, Hansen, Hildenbrand, Hopgood, Huizenga, Kahn, Kehrl, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McDowell, Meyer, Miller, Mortimer, Nofs, Palsrok, Pearce, Polidori, Proos, Rocca, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 62.**

A resolution recognizing May 1-7, 2005, as Teacher Appreciation Week in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the state of Michigan has made considerable progress in the social, technological and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it further

Resolved by the House of Representatives, That the members of this legislative body recognize May 1-7, 2005, as Teacher Appreciation Week in the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Kooiman, Accavitti, Adamini, Anderson, Baxter, Bennett, Booher, Brown, Byrnes, Byrum, Caswell, Caul, Clack, Clemente, Condino, Cushingberry, Farrah, Gaffney, Gleason, Hansen, Hildenbrand, Hopgood, Kahn, Kehrl, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McDowell, Meyer, Miller, Mortimer, Palsrok, Pearce, Plakas, Polidori, Proos, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 63.**

A resolution proclaiming May 2005 as Hepatitis Awareness Month in the state of Michigan.

Whereas, It is estimated that 4 million Americans are infected with the Hepatitis C virus, according to the Centers for Disease Control, which contributes to approximately 8,000 to 10,000 deaths each year; and

Whereas, It is estimated that 180,000 Michigan residents may carry the Hepatitis C virus and not know they are infected; and

Whereas, The Centers for Disease Control has reported that the Hepatitis C virus is associated with end stage liver disease, and this is the most frequent indication for liver transplantation among adults; and

Whereas, As published by the American Journal of Public Health, the estimated costs to the United States to treat the Hepatitis C virus will exceed \$13 billion for the years 2010 through 2019; and

Whereas, Awareness of testing and counseling is critical to halting the spread of blood born pathogens; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim May 2005 as Hepatitis Awareness Month in the state of Michigan.



Pending the reference of the resolution to a committee,  
 Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.  
 The motion prevailed, 3/5 of the members present voting therefor.  
 The question being on the adoption of the resolution,  
 The resolution was adopted.

Reps. Gaffney, Kooiman, Accavitti, Adamini, Anderson, Ball, Baxter, Bennett, Booher, Brown, Byrnes, Byrum, Caul, Clack, Clemente, Condino, Cushingberry, Farrah, Gleason, Hansen, Hildenbrand, Hopgood, Kahn, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McConico, McDowell, Meyer, Miller, Mortimer, Palsrok, Pearce, Plakas, Polidori, Proos, Sak, Shaffer, Alma Smith, Spade, Stahl, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 64.**

A resolution honoring Food Allergy Awareness Week May 8-14, 2005.

Whereas, The Food Allergy & Anaphylaxis Network (FAAN) is a national nonprofit organization dedicated to educating the public about food allergies and anaphylaxis; and

Whereas, Hundreds of Americans die each year due to food induced anaphylaxis. This is a systemic allergic reaction that involving the skin, respiratory tract, and cardiovascular system. The Food Allergy & Anaphylaxis Network works very hard to create awareness to curb as many of these unnecessary deaths as possible; and

Whereas, Since the inception of FAAN in 1991 many lives have been saved and public awareness is at an all time high. Membership in the network is now at 27,000, which consists of families, dietitians, nurses, physicians, school staff, and representatives from government agencies. FAAN members have presented food allergy information by giving presentations showing videos, and reading stories to children's classes. The organizers work passionately to educate all people so that lives may be saved; and

Whereas, The Food Allergy & Anaphylaxis Network will kick off their annual Food Allergy Awareness Week on May 8, 2005. The week will be highlighted by a national dress down day "Blue Jeans for Food Allergies" on May 13th, and the final ceremony will be the 12th Annual Food Allergy Conference in Chicago, Illinois which will be held on May 14th. The Food Allergy Awareness Week helps to foster a sense of community and well being for all citizens of the state of Michigan; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Food Allergy Awareness Week May 8-14, 2005. We join the Food Allergy & Anaphylaxis Network in celebrating Food Allergy Awareness Week, and applaud it for its goal to create awareness about this important public health issue; and be it further

Resolved, That a copy of this resolution be transmitted to the officials of the Food Allergy & Anaphylaxis Network as a token of our esteem.

Pending the reference of the resolution to a committee,  
 Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.  
 The motion prevailed, 3/5 of the members present voting therefor.  
 The question being on the adoption of the resolution,  
 The resolution was adopted.

### Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

**House Bill No. 4607, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627a (MCL 257.627a), as amended by 2000 PA 110.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

### Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Van Regenmorter, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, April 27, 2005

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Bill No. 4603, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3104 and 3109 (MCL 324.3104 and 324.3109), section 3104 as amended by 2004 PA 325.

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 332, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3103, 3104, 3109, and 3112 (MCL 324.3103, 324.3104, 324.3109, and 324.3112), sections 3103 and 3112 as amended by 2004 PA 91 and section 3104 as amended by 2004 PA 325.

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Resolution No. 53.**

A resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

(For text of resolution, see House Journal No. 31, p. 470.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

## Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Concurrent Resolution No. 11.**

A concurrent resolution to urge the United States Coast Guard to immediately eliminate the "No Ballast on Board" (NOBOB) exemption from regulations on ballast water management and require all ships with ballast tanks that enter the Great Lakes to conform to all regulations for ballast water management in federal law.

(For text of concurrent resolution, see House Journal No. 31, p. 468.)

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. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Nays: None

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, April 28, 2005

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Bennett and Donigan

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

#### 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: Wednesday, April 27, 2005

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 28, 2005

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

Absent: Rep. Hildenbrand

Excused: Rep. Hildenbrand

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, April 28, 2005

Present: Reps. Hune, Robertson, Emmons, Gaffney, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson and Farrah

Absent: Reps. Sheen, Wojno and Condino

Excused: Rep. Sheen

### Announcement by the Clerk of Printing and Enrollment

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

**Senate Bill Nos. 417 418 419 420 421 422 423 424 425 426 427 428 429 430  
431 432**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, April 28, for her approval of the following bills:

**Enrolled House Bill No. 4012 at 10:57 a.m.  
Enrolled House Bill No. 4013 at 10:59 a.m.  
Enrolled House Bill No. 4318 at 11:01 a.m.  
Enrolled House Bill No. 4570 at 11:03 a.m.**

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

**House Bill Nos. 4677 4678 4679 4680 4681 4682 4683  
Senate Bill Nos. 433 434 435 436 437**

### Messages from the Governor

Date: April 28, 2005

Time: 9:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4308 (Public Act No. 11, I.E.), being**

An act to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts

(Filed with the Secretary of State April 28, 2005, at 10:00 a.m.)

### Communications from State Officers

The following communications from the Secretary of State were received and read:

#### Notices of Filing Administrative Rules

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:53 A.M. this date, administrative rule (05-03-06) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part 7. Surveillance, Inspection and Monitoring*," effective 7 days after filing with the Secretary of State.

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:55 A.M. this date, administrative rule (05-03-07) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part 15. Operation Reports and Recordkeeping*," effective 7 days after filing with the Secretary of State.

March 29, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 11:57 A.M. this date, administrative rule (05-03-08) for the Department of Environmental Quality, Water Bureau entitled "*Supplying Water to the Public-Part 27. Laboratory Certification*", effective 7 days after filing with the Secretary of State.

April 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:45 A.M. this date, administrative rule (05-04-01) for the Department of Labor and Economic Growth, Director's Office entitled "*Occupational Health Standard Part 520 Ventilation Control*", these rules take effect immediately upon filing with the Secretary of State.

April 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:47 A.M. this date, administrative rule (05-04-02) for the Department of Labor and Economic Growth, Director's Office entitled "*Part 451. Respiratory Protection*", these rules take effect immediately upon filing with the Secretary of State.

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

The communications were referred to the Clerk.

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

April 26, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of the Pupil Membership Reporting and Auditing Process,  
Department of Education  
April 2005

April 27, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of Selected Medicaid Managed Care and Fee-for-Service Payments,  
Medical Services Administration,  
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

Rep. Whitmer introduced

**House Bill No. 4684, entitled**

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

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

Reps. Bieda, Gleason, Clack, Condino, Byrnes, Byrum and Lipsey introduced

**House Bill No. 4685, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2002 PA 662.

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

Reps. Meyer and Brown introduced

**House Bill No. 4686, entitled**

A bill to provide for the maintenance, storage, retrieval, and duplication of public records.

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

Reps. Polidori, Farrah, Zelenko, Clack, Anderson, Meisner, Vagnozzi, Waters, Gonzales, Leland, Spade, Jones, Hopgood, Plakas, Wojno, Condino, Bieda, Kolb, Hood, Lipsey, Lemmons, Jr., McConico, Dillon, Bennett, Accavitti, Gleason, Hune, Byrnes, Garfield, Sak and Tobocman introduced

**House Bill No. 4687, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding sections 1136, 1137, and 1138.

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

Reps. Meisner, Farrah, Zelenko, Clack, Anderson, Vagnozzi, Kathleen Law, Waters, Gonzales, Polidori, Leland, Spade, Jones, Hopgood, Plakas, Wojno, Condino, Bieda, Kolb, Hood, Lipsey, Lemmons, Jr., McConico, Bennett, Accavitti, Gleason, Garfield, Sak and Tobocman introduced

**House Bill No. 4688, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding sections 3914, 3915, and 3916.

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

Reps. McDowell, Farrah, Zelenko, Clack, Anderson, Meisner, Vagnozzi, Kathleen Law, Waters, Gonzales, Polidori, Leland, Spade, Jones, Hopgood, Plakas, Wojno, Condino, Bieda, Kolb, Hood, Lipsey, Lemmons, Jr., McConico, Bennett, Accavitti, Gleason, Garfield, Sak and Tobocman introduced

**House Bill No. 4689, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding sections 388, 389, and 390.

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

Reps. Espinoza, Farrah, Zelenko, Clack, Anderson, Meisner, Vagnozzi, Kathleen Law, Waters, Gonzales, Polidori, Leland, Spade, Jones, Hopgood, Plakas, Wojno, Condino, Bieda, Kolb, Hood, Lipsey, Lemmons, Jr., McConico, Bennett, Accavitti, Gleason, Garfield, Sak and Tobocman introduced

**House Bill No. 4690, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding sections 515, 516, and 517.

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

Reps. Alma Smith, Farrah, Zelenko, Clack, Anderson, Meisner, Vagnozzi, Kathleen Law, Waters, Gonzales, Polidori, Leland, Spade, Jones, Hopgood, Plakas, Wojno, Condino, Bieda, Kolb, Hood, Lipsey, Lemmons, Jr., McConico, Bennett, Accavitti, Gleason, Garfield, Sak and Tobocman introduced

**House Bill No. 4691, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

Reps. Accavitti, Tobocman, Farrah, Clack, Kooiman, Hildenbrand, Stewart, Anderson, McConico, Gaffney, Leland, Wojno and Vagnozzi introduced

**House Bill No. 4692, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 248d. The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Drolet, Taub, Stakoe, Rocca, Shaffer, Gosselin, Palmer, Acciavatti and Lemmons, III introduced

**House Bill No. 4693, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 226 and 801 (MCL 257.226 and 257.801), section 226 as amended by 2004 PA 163 and section 801 as amended by 2004 PA 427.

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

Reps. Drolet, Taub, Gosselin, Shaffer, Baxter, Palmer and Acciavatti introduced

**House Bill No. 4694, 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 5n (MCL 28.425n), as added by 2000 PA 381.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Reps. Drolet, Gosselin and Lemmons, III introduced

**House Bill No. 4695, entitled**

A bill to establish and protect the rights of manufactured home park tenants; and to prescribe certain duties of certain state agencies.

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

Reps. Gosselin, Garfield, Shaffer, Stahl, Marleau and Sheen introduced

**House Bill No. 4696, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 24, 33, and 35 (MCL 169.224, 169.233, and 169.235), section 24 as amended by 1999 PA 237, section 33 as amended by 1999 PA 238, and section 35 as amended by 2000 PA 75.

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

Reps. Walker, Acciavatti, Elsenheimer and Palsrok introduced

**House Bill No. 4697, entitled**

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 6 (MCL 460.6), as amended by 1993 PA 355.

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

Reps. Mortimer, Ward, Gaffney, Rocca, Green, Elsenheimer, Moore, Garfield, Amos, Hummel, Farrah, Dillon, Lipsey, Condino, Tobocman, Hunter, Mayes, Donigan, Byrnes, Angerer and Hoogendyk introduced

**House Bill No. 4698, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 217d, 226, 312a, 314, 675, 803e, 803f, 803i, 803j, 803k, 803l, 803n, and 803o (MCL 257.217d, 257.226, 257.312a, 257.314, 257.675, 257.803e, 257.803f, 257.803i, 257.803j, 257.803k, 257.803l, 257.803n, and 257.803o), section 217d as amended by 2003 PA 152, section 226 as amended by 2004 PA 163, section 314 as amended by 2004 PA 362, section 675 as amended by 2004 PA 151, section 803e as amended by 2003 PA 30, sections 803f and 803i as amended by 1998 PA 68, sections 803j, 803k, 803n, and 803o as amended by 1999 PA 183, and section 803l as amended by 2000 PA 77.

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

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Rep. Palsrok moved that the House adjourn.  
The motion prevailed, the time being 11:55 a.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, May 3, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives