

No. 43
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Wednesday, May 18, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—e/d/s
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—excused	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—excused
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. Tom Pearce, from the 73rd District, offered the following invocation:

“Father, we come to You today, Your humble servants, seeking Your wisdom, Your discernment and Your direction, as we look over the affairs of this great state of Michigan. May we seek Your strength, may we serve in a way that honors You today, tomorrow and throughout our opportunity to serve and may we never forget that we truly are Your servants here on this earth. In Jesus’ name, Amen.”

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

Second Reading of Bills

House Bill No. 4484, entitled

A bill to amend 1987 PA 96, entitled “The mobile home commission act,” by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

The bill was read a second time.

Rep. Wenke moved to amend the bill as follows:

1. Amend page 3, line 11, after “before” by striking out the balance of the line through “section” on line 12 and inserting “**JULY 14, 2003**”.

2. Amend page 3, line 14, after “on” by striking out the balance of the line through “section” on line 15 and inserting “**JULY 14, 2003**”.

3. Amend page 3, line 18, after “property.” by inserting “**THE LIEN OR SECURITY INTEREST ON A MOBILE HOME DESCRIBED IN THIS SUBSECTION IS PERFECTED AGAINST THE MOBILE HOME IF THE HOLDER OF THE LIEN OR SECURITY INTEREST IN BOTH THE MOBILE HOME AND THE REAL PROPERTY TO WHICH IT IS AFFIXED ON JULY 14, 2003 HAS PERFECTED A LIEN ON THE REAL PROPERTY AS PROVIDED UNDER LAW FOR PERFECTING A LIEN ON REAL PROPERTY. THE DATE OF PERFECTION OF THE LIEN OR SECURITY INTEREST OF THE MOBILE HOME IS THE DATE OF PERFECTION OF THE LIEN ON THE REAL PROPERTY TO WHICH THE MOBILE HOME IS AFFIXED ON JULY 14, 2003.**”.

4. Amend page 4, line 18, by striking out all of subsection (10) and inserting:

“(10) **THIS SECTION APPLIES TO ALL TRANSACTIONS, LIENS, AND MORTGAGES WITHIN ITS SCOPE EVEN IF THE TRANSACTION, LIEN, OR MORTGAGE WAS ENTERED INTO OR CREATED BEFORE JULY 14, 2003.**”.

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

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

The motion prevailed.

Senate Bill No. 77, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2004 PA 351.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 4551, entitled

A bill to amend 1972 PA 230, entitled “Stille-DeRossett-Hale single state construction code act,” (MCL 125.1501 to 125.1531) by adding section 13e.

The bill was read a second time.

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

The motion prevailed.

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.

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

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

Rep. Hansen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

Rep. Palmer moved that Rep. Marleau be excused temporarily from today’s session.

The motion prevailed.

Rep. Espinoza moved that Rep. Alma Smith be excused temporarily from today’s session.

The motion prevailed.

Rep. Sak moved that Reps. Plakas and Leland 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. 4559, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 9721.

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

Roll Call No. 126**Yeas—86**

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

Nays—17

Adamini	Farrah	McConico	Tobocman
Bennett	Hopgood	Meisner	Waters
Byrum	Hunter	Miller	Whitmer
Cheeks	Law, Kathleen	Phillips	Zelenko
Donigan			

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Kathleen Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on HB4559 for the following reasons. The cost of this bill outweighs the benefit of providing the service because few Michigan residents are required to pay the usual and customary price for prescriptions. Between Medicaid, Medicare, Private Insurance, County discount plans, private discount plans, Elder Prescription Insurance Coverage (EPIC), and MI Rx Card there are few people who are not eligible for some discount program. In addition, prices for prescriptions vary greatly by week. What was a bargain one month may not be the next and the information provided on the website may not be helpful to the consumer. Furthermore, the bill only requires information from pharmacies that accept Medicaid patients. This creates an unequal system requiring only pharmacies that take Medicaid to report this information. The Department of Community Health is concerned that this will discourage pharmacies from participating in Medicaid. The State of Michigan also has almost three times as many Pharmacies as the State of Maryland. Keeping track of approximately 60,000 different usual and customary prices is a daunting task. Lastly, better placement for information about prescription costs on the Department of Community Health’s website. Citizens already use the site for information on health issues and would be more likely to expect to find the information there.”

Rep. Zelenko, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I vote no on passage of HB 4559 because I believe that the cost of this bill outweighs the benefit of providing the service because few Michigan residents are required to pay the usual and customary price for prescriptions. Between Medicaid, Medicare, Private Insurance, County discount plans, private discount plans, Elder Prescription Insurance Coverage (EPIC), and MI Rx Card there are few people who are not eligible for some discount program. In addition, prices for prescriptions vary greatly by week. What was a bargain one month may not be the next and the information provided on the website may not be helpful to the consumer.

Furthermore, the bill only requires information from pharmacies that accept Medicaid patients. This creates an unequal system requiring only pharmacies that take Medicaid to report this information. The Department of Community Health is concerned that this will discourage pharmacies from participating in Medicaid. The State of Michigan also has almost three times as many Pharmacies as the State of Maryland. Keeping track of approximately 60,000 different usual and customary prices is a daunting task.

In addition I have concerns about this bill because it places health information on the Attorney General’s website and not on the Department of Community Health’s website. This bill will cost the Department of Community Health (DCH) money to monthly provide the information when significant cuts are being proposed to direct service programs in the DCH budget. The DCH website is better placement for information about prescription costs since citizens already use the site for information on health issues and would be more likely to expect to find the information there.

Lastly, this bill does nothing more than list old, out-of-date prices for prescription drugs at Michigan’s pharmacies without providing real cost-savings to Michigan’s families trying to afford the high cost of prescription drugs. I did support an amendment to this bill that would have given real savings to Michigan’s families by passing the Michigan

Drug Fair Pricing Act. This amendment would have allowed Michigan to negotiate with pharmaceutical companies the best price for all of Michigan's uninsured residents and given them real savings on their prescription drug costs. Without the amendment and without real savings on the high cost of prescription drugs, I cannot support window dressing approaches that only pretend to help Michigan families afford their prescription drugs."

Rep. Adamini, 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 4559 to protest the flagrant disregard of the rules and procedures of the House demonstrated by the majority party. I recognize that as a minority member I am more likely than not to be on the losing side of votes. Although I may not win many votes, my constituents deserve to have their voice heard in these chambers. The chair's abuse of the gavel in not recognizing minority members, in ruling their arguments to be non-germane, and in refusing to grant roll call votes pursuant to the rules of the House demeans the Speaker, the Majority party, the process and this institution."

Rep. Virgil Smith entered the House Chambers.

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

Rep. Kathleen Law moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 4758**.

(For first notice see House Journal No. 42, p. 634.)

The question being on the motion made by Rep. Kathleen Law,

Rep. Kathleen Law demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Kathleen Law,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Waters moved to reconsider the vote by which the House postponed the motion for the day.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 127

Yeas—49

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

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	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Rep. Espinoza moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 4759**.

(For first notice see House Journal No. 42, p. 634.)

The question being on the motion made by Rep. Espinoza,

Rep. Espinoza demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Espinoza,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Waters moved to reconsider the vote by which the House postponed the motion for the day.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 128

Yeas—48

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

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	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Rep. Kehrl moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 4760**.

(For first notice see House Journal No. 42, p. 634.)

The question being on the motion made by Rep. Kehrl,

Rep. Kehrl demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Kehrl,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Waters moved to reconsider the vote by which the House postponed the motion for the day.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 129

Yeas—49

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

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	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Rep. Miller moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 4761**.

(For first notice see House Journal No. 42, p. 634.)

The question being on the motion made by Rep. Miller,

Rep. Miller demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Miller,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Waters moved to reconsider the vote by which the House postponed the motion for the day.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 130**Yeas—48**

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

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	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Rep. McDowell moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 4762**.

(For first notice see House Journal No. 42, p. 634.)

The question being on the motion made by Rep. McDowell,
Rep. McDowell demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. McDowell,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

Rep. Waters moved to reconsider the vote by which the House postponed the motion for the day.

The question being on the motion made by Rep. Waters,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Waters,

The motion did not prevail, a majority of the members present not voting therefor, by yeas and nays, as follows:

Roll Call No. 131**Yeas—49**

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

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	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

Reports of Standing Committees

The Speaker laid before the House

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.)

(The resolution was reported by the Committee on Natural Resources, Great Lakes, Land Use, and Environment on April 28, consideration of which, under the rules, was postponed until May 3.)

The question being on the adoption of the resolution,

Rep. Ward moved that the resolution be re-referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

The motion prevailed.

The Speaker laid before the House

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.)

(The concurrent resolution was reported by the Committee on Natural Resources, Great Lakes, Land Use, and Environment on April 28, consideration of which, under the rules, was postponed until May 3.)

The question being on the adoption of the concurrent resolution,

Rep. Ward moved that the concurrent resolution be re-referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

The motion prevailed.

Second Reading of Bills

Pending the Second Reading of

House Bill No. 4258, entitled

A bill to amend 1846 RS 1, entitled “Of the statutes,” by amending section 3q (MCL 8.3q).

Rep. Ward moved that the bill be re-referred to the Committee on Government Operations.

The motion prevailed.

Pending the Second Reading of
House Bill No. 4438, entitled

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

Rep. Ward moved that the bill be re-referred to the Committee on Veterans Affairs and Homeland Security.
The motion prevailed.

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. Lemmons, III, Lemmons, Jr., Accavitti, Adamini, Byrnes, Cheeks, Clack, Cushingberry, Garfield, Gleason, Gonzales, Hopgood, Lipsey, Tobocman, Waters, Wojno, Clemente, Murphy, Polidori and Zelenko offered the following concurrent resolution:

House Concurrent Resolution No. 13.

A concurrent resolution to urge the Congress of the United States to take every possible action to promote and diversify the automotive and machine tool sectors of our national economy.

Whereas, An increasing number and variety of relevant specialists are warning that the collapse of the national economy could occur if certain stop-gap and long-term actions are not adopted and implemented to forestall the threats to our economy from the problems associated with the automotive and machine tool sectors of our economy. Indeed, the loss of the physical capabilities of the automotive industry, and especially its machine tool sector, could mean the end of America's leadership as a world economic power; and

Whereas, Government has an obligation to promote the economy through the creation of new capital investment, which will result in the expansion of employment opportunities and help jump-start long-term capital investment by private investors. We must ensure the continued viability of our automotive and machine tool industries. The loss of these vital anchors of our economy would be a strategic disaster with incalculable chain-reaction consequences for our nation and the world; and

Whereas, One of the key options is federal capital investment in diversification of the productive potential of the automotive and machine tool industries into a broader mixture of production. Our nation needs to shift into the domain of essential capital goods and economic infrastructure, such as the repair, expansion, and improvement of our national railway systems; maintenance and improvement of water management systems; and the development of other urgently needed infrastructure projects. The result of this will be to save existing manufacturing jobs and create large new areas of employment in infrastructure and manufacturing for our citizenry in a manner comparable to the best of the New Deal programs that rescued the nation and the world from the ravages of the Great Depression; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Congress of the United States to take every possible action to promote and diversify the automotive and machine tool sectors of our national economy; and be it further

Resolved, That copies of this resolution be transmitted to 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 concurrent resolution was referred to the Committee on Commerce.

Reports of Standing Committees

The Committee on Agriculture, by Rep. Nitz, Chair, reported
Senate Bill No. 195, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 12411 and 12431 (MCL 333.12411 and 333.12431).

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, Kathleen Law and Sheltroun
 Nays: None

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

Senate Bill No. 225, entitled

A bill to create an agricultural tourism advisory commission; to provide for its powers and duties; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun
 Nays: None

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

Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 23.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Sheltroun
 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, May 17, 2005

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

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

House Bill No. 4597, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4598, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2004 PA 240.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

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

House Bill No. 4599, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, McConico, Bieda and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, May 18, 2005

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

Absent: Rep. Stakoe

Excused: Rep. Stakoe

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 18, 2005

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

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, May 18:

House Bill Nos. 4789 4790 4791 4792 4793 4794 4795 4796 4797 4798 4799 4800 4801 4802
4803 4804 4805

Senate Bill Nos. 500 501 502 503 504 505 506

The Clerk announced that the following Senate bills had been received on Wednesday, May 18:

Senate Bill Nos. 161 205 310 366

By unanimous consent the House returned to the order of
Messages from the Senate

House Bill No. 4603, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109).

The Senate has amended the bill as follows:

1. Amend page 3, following line 7, by inserting:

"Enacting section 1. This amendatory act takes effect January 1, 2007." and renumbering the remaining enacting section.

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Senate Bill No. 161, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

The Senate has passed the bill.

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

Senate Bill No. 205, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1523.

The Senate has passed the bill.

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

Senate Bill No. 310, entitled

A bill to regulate certain health clubs with respect to potential medical emergencies; and to provide for civil sanctions.

The Senate has passed the bill.

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

Senate Bill No. 366, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

The Senate has passed the bill.

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

Communications from State Officers

The following communications from the Department of Human Services were received and read:

May 12, 2005

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

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Interim	Shawono Center		CS200201404

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.

May 12, 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>
Approval Study Report	Woodland Center		CS470245817

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.

Introduction of Bills

Reps. Stakoe, Anderson and Amos introduced

House Bill No. 4806, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 601 and 906 (MCL 257.601 and 257.906).

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

Reps. Stakoe, Anderson and Amos introduced

House Bill No. 4807, entitled

A bill to amend 1956 PA 62, entitled "An act to authorize the director of the department of state police to promulgate a uniform traffic code; to authorize a city, township, or village to adopt the uniform traffic code by reference without publication in full; and to prescribe criminal penalties and civil sanctions for violation of the code," by amending section 1 (MCL 257.951), as amended by 1998 PA 69.

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

Reps. Lemmons, III, Lemmons, Jr., Cushingberry, Waters, McConico and Virgil Smith introduced

House Bill No. 4808, entitled

A bill to amend 1964 PA 284, entitled "City income tax act," by amending section 3 of chapter 1 (MCL 141.503), as amended by 1998 PA 500, and by adding section 3e to chapter 1.

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

Rep. Moolenaar moved that the House adjourn.

The motion prevailed, the time being 2:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, May 19, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

