

**No. 45**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Tuesday, May 24, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—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—excused	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. Roger Kahn, from the 94th District, offered the following invocation:

“Dear Almighty. We band of brothers and sisters, we little band here, come before You asking for Your guidance. We ask You to provide us the compassion and the knowledge as we work on the issues of the people of this great state of Michigan. We ask You to watch over us as we travel from this Capitol to our districts and over the state of Michigan to talk to our people. Help us to have the patience and perseverance and perspective to carry on the work of the House of Representatives and Your work. We ask You to be with us. Be with us as a government, as legislators and as a people as we deal with the challenges presented to us each day. We ask this in Your name, Amen.”

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

### 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 Friday, May 20:

<b>House Bill Nos.</b>	<b>4809</b>	<b>4810</b>	<b>4811</b>	<b>4812</b>	<b>4813</b>	<b>4814</b>	<b>4815</b>	<b>4816</b>	<b>4817</b>	<b>4818</b>	<b>4819</b>	<b>4820</b>
<b>Senate Bill Nos.</b>	<b>512</b>	<b>513</b>	<b>514</b>	<b>515</b>	<b>516</b>	<b>517</b>	<b>518</b>	<b>519</b>	<b>520</b>	<b>522</b>	<b>523</b>	<b>524</b>

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 24, for her approval of the following bills:

**Enrolled House Bill No. 4603 at 10:11 a.m.**  
**Enrolled House Bill No. 4142 at 10:13 a.m.**

The Clerk announced that the following Senate bill had been received on Tuesday, May 24:  
**Senate Bill No. 128**

By unanimous consent the House returned to the order of  
**Reports of Standing Committees**

The Committee on Health Policy, by Rep. Gaffney, Chair, reported  
**Senate Bill No. 352, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17753. Without amendment and with the recommendation that the bill pass.  
The bill was referred to the order of Second Reading of Bills.

### Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, McDowell, Murphy, Gleason and Angerer  
Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:  
Meeting held on: Tuesday, May 24, 2005  
Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

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

**House Bill No. 4813, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 4814, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

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

**House Bill No. 4815, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

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

**House Bill No. 4816, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 4817, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

**House Bill No. 4818, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

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

**House Bill No. 4819, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 9 (MCL 125.2689).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov and Schuitmaker

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 24, 2005

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

Absent: Reps. Tobocman and McConico

Excused: Reps. Tobocman and McConico

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, May 24, 2005

Present: Reps. Rocca, Jones, Gaffney, Palsrok, Wojno, McDowell, Virgil Smith and Lemmons, III

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 24, 2005

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

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 24, 2005

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

Absent: Rep. David Law

Excused: Rep. David Law

**Messages from the Senate****House Bill No. 4528, entitled**

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

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

The House agreed to the full title.

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

**Senate Bill No. 128, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

The Senate has passed the bill.

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

**Messages from the Governor**

Date: May 19, 2005

Time: 9:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4242 (Public Act No. 22, I.E.), being**

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and

duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 2830 (MCL 333.2830), as amended by 1994 PA 242.

(Filed with the Secretary of State May 19, 2005, at 1:17 p.m.)

Date: May 23, 2005

Time: 11:22 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4188 (Public Act No. 24, I.E.), being**

An act to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

(Filed with the Secretary of State May 23, 2005, at 3:32 p.m.)

Date: May 23, 2005

Time: 11:24 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4454 (Public Act No. 25, I.E.), being**

An act to amend 1962 PA 174, entitled "An act to enact the uniform commercial code, relating to certain commercial transactions in or regarding personal property and contracts and other documents concerning them, including sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts, bills of lading, other documents of title, investment securities, leases, and secured transactions, including certain sales of accounts, chattel paper and contract rights; to provide for public notice to third parties in certain circumstances; to regulate procedure, evidence and damages in certain court actions involving such transactions, contracts or documents; to make uniform the law with respect thereto; to make an appropriation; to provide penalties; and to repeal certain acts and parts of acts," by amending section 9311 (MCL 440.9311), as amended by 2001 PA 145.

(Filed with the Secretary of State May 23, 2005, at 3:34 p.m.)

Date: May 23, 2005

Time: 11:28 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4272 (Public Act No. 26, I.E.), being**

An act 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.

(Filed with the Secretary of State May 23, 2005, at 3:36 p.m.)

Date: May 23, 2005  
Time: 11:30 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4273 (Public Act No. 27, I.E.), being**

An act to amend 1915 PA 63, entitled “An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” (MCL 35.831 to 35.833) by adding section 1a.

(Filed with the Secretary of State May 23, 2005, at 3:38 p.m.)

### Communications from State Officers

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

May 20, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of the Child Day Care and Child Welfare Licensing Divisions,  
Office of Children and Adult Licensing,  
Department of Human Services  
May 2005

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

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

### Introduction of Bills

Reps. Mortimer, Gaffney, Acciavatti, Vander Veen, Ball, Shaffer, Kahn and Newell introduced

**House Bill No. 4821, entitled**

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 2002 PA 600.

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

Reps. Hune, Gaffney, Kahn, Hildenbrand, Elsenheimer, LaJoy, Taub, Garfield, Stahl and Mortimer introduced

**House Bill No. 4822, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 303 and 322 (MCL 257.303 and 257.322), section 303 as amended by 2004 PA 362 and section 322 as amended by 2001 PA 159.

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

Reps. Brown and Hune introduced

**House Bill No. 4823, entitled**

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies,” by amending sections 8 and 9 (MCL 446.208 and 446.209), section 8 as amended by 2002 PA 469 and section 9 as amended by 2004 PA 585.

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

Reps. Sak, Sheltroun, Plakas, Anderson, Adamini, Brown, Hood, Kathleen Law, Spade, Garfield and Byrnes introduced

**House Bill No. 4824, entitled**

A bill to amend 1941 PA 205, entitled “An act to provide for the construction, establishment, opening, use, discontinuing, vacating, closing, altering, improvement, and maintenance of limited access highways and facilities ancillary to those highways; to permit the acquiring of property and property rights and the closing or other treatment of intersecting roads for these purposes; to provide for the borrowing of money and for the issuing of bonds or notes payable from special funds for the acquisition, construction or improvement of such highways; and to provide for the

receipt and expenditure of funds generated from the facilities,” by amending section 2 (MCL 252.52), as amended by 2002 PA 150.

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

Reps. Murphy, Bieda, Taub, Palmer, Byrum, Nitz, Gosselin, Accavitti, Clack, Virgil Smith, Zelenko, Cushingberry, Sak, Waters, Whitmer, Gonzales, Sheltroun, Angerer, Byrnes, McDowell, Kehrl, Donigan, Spade, Polidori, Kathleen Law, Hopgood, Miller, Ward and McConico introduced

**House Bill No. 4825, entitled**

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

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

Reps. Baxter, Bieda, Taub, Palmer, Byrum, Nitz, Gosselin and Ward introduced

**House Bill No. 4826, entitled**

A bill to amend 1982 PA 250, entitled “Child abuse and neglect prevention act,” by amending section 4 (MCL 722.604).

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

Rep. Waters introduced

**House Bill No. 4827, entitled**

A bill to amend 1941 PA 207, entitled “Fire prevention code,” (MCL 29.1 to 29.34) by adding section 21.

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

Rep. LaJoy introduced

**House Bill No. 4828, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending sections 11, 20, and 22b (MCL 388.1611, 388.1620, and 388.1622b), section 11 as amended by 2004 PA 518 and sections 20 and 22b as amended by 2004 PA 351.

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

Reps. Anderson, Sheltroun, Byrnes, Kathleen Law, Whitmer, Hunter, Brown, Gillard, Clack, Sak, Donigan, Byrum, Farrah, Espinoza, Polidori, Alma Smith, Gleason, McDowell, Waters, Zelenko, Williams, Phillips, Meisner, Murphy, Adamini, Plakas, McConico, Bennett, Bieda, Condino, Tobocman, Lipsey, Kolb, Dillon, Cushingberry, Kehrl, Gonzales, Virgil Smith, Accavitti, Lemmons, Jr., Wojno and Lemmons, III introduced

**House Joint Resolution K, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 6 of article IV, to modify congressional and legislative apportionment and districting.

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

**Announcements by the Clerk**

May 23, 2005

The Honorable Terri Lynn Land  
Secretary of State  
Lansing, Michigan

Dear Madam:

Attached is a copy of Enrolled House Bill No. 4065, which was presented to the Governor at 2:40 p.m. on May 9, 2005.

The time for approval or veto of this enrolled bill having expired at 2:40 p.m. on May 23, 2005 and no message from the Governor having been received by the House, the bill has, pursuant to the Constitution, become law without her signature.

Respectfully yours,  
Gary L. Randall, Clerk  
House of Representatives

(Filed with the Secretary of State May 23, 2005 at 4:03 p.m.)

This enrolled act was assigned Public Act No. 23, I.E.



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

**House Bill No. 4774, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

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

The motion prevailed.



Rep. Pastor moved that Rep. Amos 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. 4446, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 17015 (MCL 333.17015), as amended by 2002 PA 685.

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

**Roll Call No. 138**

**Yeas—69**

Acciavatti	Gaffney	Marleau	Rocca
Angerer	Garfield	Mayes	Sak
Ball	Gleason	McDowell	Schuitmaker
Baxter	Gosselin	Meyer	Shaffer
Booher	Green	Moolenaar	Sheen
Brandenburg	Hansen	Moore	Sheltrown
Brown	Hildenbrand	Mortimer	Spade
Casperson	Hoogendyk	Newell	Stahl
Caswell	Huizenga	Nitz	Stakoe
Caul	Hummel	Nofs	Steil
Clemente	Hune	Palmer	Taub
DeRoche	Jones	Palsrok	Van Regenmorter
Dillon	Kahn	Pastor	Vander Veen
Drolet	Kehrl	Pavlov	Walker
Elsenheimer	Kooiman	Pearce	Ward
Emmons	LaJoy	Proos	Wenke
Espinoza	Law, David	Robertson	Wojno
Farhat			

**Nays—37**

Accavitti	Donigan	Lemmons, Jr.	Smith, Alma
Adamini	Farrah	Lipsey	Smith, Virgil
Anderson	Gonzales	McConico	Stewart
Bennett	Hopgood	Meisner	Tobocman
Bieda	Hunter	Miller	Vagnozzi

Byrnes  
Byrum  
Cheeks  
Clack  
Condino

Kolb  
Law, Kathleen  
Leland  
Lemmons, III

Murphy  
Phillips  
Plakas  
Polidori

Waters  
Whitmer  
Williams  
Zelenko

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.

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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:

I voted against this bill because I do not believe in mandating health procedures against citizens who are exercising a right guaranteed by our U.S. Constitution. Legislators should leave appropriate medical decisions to individuals and their doctors.”

Rep. Alma Smith, 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 urge my colleagues to step back for a few minutes and contemplate what HB 4446 really does. Should this bill pass, for the first time the Michigan legislature will mandate the use of a medically unnecessary procedure, conducted on a fully competent patient probably against her will, with no benefit to the public health and general welfare, for the sole purpose of providing yet another image to coerce a pregnant woman from the exercise of her legal right to choose, and establish the surrender of her constitutional right to terminate her pregnancy as the only way to refuse the procedure to be needlessly conducted upon her.

Current law mandates that a health care provider show a woman seeking an abortion ‘a medically accurate depiction, illustration or photograph and description’ of an embryo at the same gestational age as her own. This bill’s ultrasound requirement introduces a compulsory, potentially risky procedure that results in an image which will add no new information. It is even more unreasonable when we understand that 62% of women seeking abortions have already carried at least one pregnancy to full term: they know what a baby is.

According to our Department of Community Health almost 90% of abortions occur in the first twelve weeks of pregnancy. Over half of all abortions take place within the first eight weeks. It is extremely difficult to detect a visible image of an embryo in a normal ultrasound in the first twelve weeks. Producing a useful visual image for the purpose of this legislation will most probably require the invasive and more expensive vaginal ultrasound procedure. With complete disregard for a woman’s health, this legislation does not require the provider to reveal the potential immediate or future health risks of an invasive ultrasound procedure.

Given current law and gestational reality, there is no compelling state interest to mandate this medically unnecessary procedure that could under the operation of Section 17015 cost the state conservatively from 3 to 9 million dollars. Despite everything—the irresponsibly, unrevealed risk to her health, the burdensome cost to the pregnant woman that itself may pose an obstacle, the potential cost to the state—this legislation denies a fully competent woman the liberty to refuse a medically unnecessary, potentially risky procedure EXCEPT that she abrogate her legal and constitutional right to choose.

Ladies and gentlemen, when you use the state’s superior force to erect substantial obstacles to a woman’s legal right THAT is unwarranted interference rising to the level of coercion. And coercion is a violative affront to the existing law. But, because a majority can, this legislature is poised to force a fully competent woman of reproductive age to sustain a probable burdensome and unjustifiable cost for a medically unnecessary procedure so you can ‘educate’ her in contradiction of her constitutional right and her personally determined best interest. Where does this stop? Probably at the court house door where an overreach of arrogant legislative power can still be checked.”

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:

The legislation does not provide women with more information to make informed decisions, prevent unwanted pregnancies, nor have the best interests of women in mind. This bill unnecessarily increases health care costs, further reducing access to health care for low-income women. Current law already mandates that health care providers show a woman seeking an abortion the image of a fetus at the development stage closest to that of the patient’s fetus. Opponents further argue that women should not have to be subjected to invasive medical procedures for political points. Most first trimester ultrasounds are vaginal, which many women consider invasive. In addition, opponents also believe that state legislators should be working to help men and women make responsible choices so abortions are rare through increased funding for family planning, accessible and affordable contraception for everyone, and provide young people comprehensive abstinence-plus education. It is for these reasons I voted no on HB 4446.”

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 HB 4446. This is another attempt to create more barriers to legal health care. The legislation does not provide women with more information to make informed decisions, prevent unwanted pregnancies, nor have the best interests of women in mind. This bill unnecessarily increases health care costs, further reducing access to health care for women. Current law already mandates that health care providers show a woman seeking an abortion the image of a fetus at the development stage closest to that of the patient’s fetus. Women should not have to be subjected to invasive medical procedures for political points. Most first trimester ultrasounds are vaginal, which many women consider them invasive. State legislators should be working to help families make responsible choices so abortions are rare. Increased funding for family planning, accessible and affordable contraception for everyone, and education about STD, birth control and abstinence are valuable services which move society away from unwanted pregnancies.”

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

“Mr. Speaker and members of the House:

Michigan’s Informed Consent for Abortion, enacted in 1993, requires that certain information be made available to a woman seeking an abortion at least 24 hours prior to the procedure. The statute requires both a written summary of the procedure as well as depictions, illustrations or photographs of fetal development corresponding to the gestational age nearest the probable gestational age of the woman’s fetus. To these requirements HB 4446 would require that a specific medical procedure (an ultrasound) be conducted for no medical reason other than to provide an opportunity for a woman seeking an abortion to view the ultrasound.

According to the Michigan Section of the American College of Obstetricians and Gynecologists, ultrasounds are not the only type of test used to determine the gestational age of the pregnancy. Thus, HB 4446 specially mandates that a specific test be used—a test for no other reason than to offer the opportunity to a woman to view a the ultrasound images—which are essentially the same photos (although probably not as clear) as those already offered in the informational package mandated under current law. This requirement, however, is not only redundant, but because it mandates that a specific test be performed, it also raises serious constitutional questions.

I supported amendments to this bill, specifically amendments number 5 and 6, the first of which would have avoided constitutional problems by offering the patient the opportunity to view the active ultrasound image when the ultrasound procedure was performed, but the House, unwisely, defeated the amendment.

So too did the House unwisely defeat an amendment which would have provided the patient with information on family planning, including, but not limited to, all methods of contraceptives approved by the United States Food and Drug Administration, abstinence and natural family planning methods. The defeat of this amendment is rather surprising, even ironic, considering that the key witness testifying in committee in support of this bill admitted to having four abortions. It seems entirely reasonable that if this Legislature really wants to prevent abortions, than we should have adopted the amendment that would have greatly assisted women and their partners in making responsible choices. Instead of doing this totally unnecessary legislation, we should be working together on the serious problems of unplanned pregnancies.

For these reasons, I voted no on HB 4446.”

#### **House Bill No. 4161, entitled**

A bill to amend 1996 PA 305, entitled “Acknowledgment of parentage act,” by repealing section 6 (MCL 722.1006). Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 139****Yeas—101**

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

**Nays—6**

Condino	Phillips	Smith, Virgil	Tobocman
Meisner	Smith, Alma		

In The Chair: Kooiman

The question being on agreeing to the title of the bill,

Rep. Ward moved to amend the title to read as follows:

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending sections 6 and 7 (MCL 722.1006 and 722.1007).

The motion prevailed.

The House agreed to the title as amended.

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

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

**House Bill No. 4421, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

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

**Roll Call No. 140****Yeas—109**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca

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

### 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.

Rep. Ward moved that Rep. Marleau be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### 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, 2, 3, 4, and 5 (MCL 390.501, 390.502, 390.503, 390.504, and 390.505).

(The bill was received from the Senate on May 19, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 44, p. 665.)

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

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 141****Yeas—108**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Lipsey	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
DeRoche	Kehrl	Pearce	Wenke
Dillon	Kolb	Phillips	Whitmer
Donigan	Kooiman	Plakas	Williams
Drolet	LaJoy	Polidori	Wojno
Elsenheimer	Law, David	Proos	Zelenko

**Nays—0**

In The Chair: Kooiman

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

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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.

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Rep. Meyer moved that the House adjourn.  
The motion prevailed, the time being 2:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, May 25, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives