

No. 70
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Wednesday, August 24, 2005.

1:00 p.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Dave Hildenbrand, from the 86th District, offered the following invocation:

“Dear Father in Heaven: We pause before You today with humble hearts. Please guide our work in this historic Chamber. Where there are differences, we ask for compromise. Where there is frustration, we ask for understanding. And where there is tension, we ask for peace. May our work here be in the true spirit of Your will. I also ask You to bless the men and women serving in our armed forces who risk their lives everyday so we may enjoy so many freedoms: of Life, Liberty, and the Pursuit of Happiness. And finally Lord, we thank You for the countless blessings in our everyday lives. Continue to watch over us and guide us. In Your name we pray. Amen.”

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos. 5091 5092 5093 5094 5095 5096 5097 5098

Communications from State Officers

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

August 17, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Children’s Foster Care Program,
Department of Human Services
August 2005

August 18, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Prisoner Education Program,
Department of Corrections
August 2005

August 18, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Procurement Card Program,
Office of Financial Services,
Department of Management and Budget
August 2005

August 19, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of
Northern Michigan University
August 2005

August 23, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Vital Records and Health Data Statistics,
Bureau of Epidemiology,
Department of Community Health
August 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. Jones introduced

House Bill No. 5099, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending section 41 (MCL 125.1041).

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

Rep. Jones introduced

House Bill No. 5100, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2, 5, and 7 (MCL 722.22, 722.25, and 722.27), section 2 as amended by 2004 PA 542, section 5 as amended by 1993 PA 259, and section 7 as amended by 2001 PA 108.

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

Rep. Lemmons, III introduced

House Bill No. 5101, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 23 to chapter XVI.

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

Rep. Lemmons, III introduced

House Bill No. 5102, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 903 (MCL 257.903), as amended by 1997 PA 101.

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

Rep. Caswell introduced

House Bill No. 5103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2001 PA 231.

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

Rep. Caswell introduced

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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

Rep. Caswell introduced

House Bill No. 5105, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 303a (MCL 750.303a), as added by 1996 PA 539.

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

Rep. Condino introduced

House Bill No. 5106, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4a, 4d, and 4s (MCL 205.54a, 205.54d, and 205.54s), sections 4a and 4s as amended and section 4d as added by 2004 PA 173.

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

Rep. Condino introduced

House Bill No. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a, 4, and 4u (MCL 205.93a, 205.94, and 205.94u), sections 3a and 4 as amended by 2004 PA 172 and section 4u as added by 1999 PA 225.

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

Rep. Sheen introduced

House Bill No. 5108, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, 36, and 45a (MCL 208.4a, 208.31, 208.36, and 208.45a), section 4a as added by 2003 PA 241, sections 31 and 45a as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284, and by adding section 35d.

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

Rep. Baxter introduced

House Bill No. 5109, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending the title and section 2 (MCL 12.252) and by adding section 7; and to repeal acts and parts of acts.

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

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

The Committee on Education, by Rep. Palmer, Chair, reported

Senate Bill No. 129, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter XI (MCL 771.2a), as amended by 1998 PA 520.

With the recommendation that the substitute (H-3) 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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Kehrl and Clack

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

Senate Bill No. 601, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding sections 1230c and 1230e.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

Senate Bill No. 609, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

Senate Bill No. 611, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 24, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Absent: Rep. Lemmons, III

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

Senate Bill No. 416, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding part II and a heading for part I; and to repeal acts and parts of acts.

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, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Virgil Smith

Nays: None

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

Senate Bill No. 463, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Virgil Smith

Nays: None

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

Senate Bill No. 606, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, line 2, by striking out "October 15, 2005" and inserting "January 1, 2006".

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 607, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 6, line 14, after "effect" by striking out the balance of the enacting section and inserting "January 1, 2006."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Jones, David Law, Rocca, Lipsey, Condino and Adamini

Nays: None

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

Senate Bill No. 615, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding section 5c.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini 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, August 24, 2005

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

Absent: Reps. McConico and Bieda

Excused: Reps. McConico and Bieda

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

House Bill No. 4501, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending sections 4, 10a, and 10b (MCL 290.644, 290.650a, and 290.650b), section 4 as amended by 2003 PA 116 and sections 10a and 10b as amended by 2002 PA 13.

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 and Hune

Nays: None

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

House Bill No. 4502, entitled

A bill to amend 1964 PA 283, entitled "Weights and measures act," by amending section 31a (MCL 290.631a), as added by 2002 PA 208.

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 and Hune

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: Wednesday, August 24, 2005

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

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, August 24, 2005

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

Absent: Reps. Meyer, Murphy and Kathleen Law

Excused: Reps. Meyer, Murphy and Kathleen Law

Rep. Hildebrand announced that pursuant to House Rule 1(2), the House will stand adjourned until Wednesday, August 31, at 1:00 p.m.

The Clerk declared the House adjourned until Wednesday, August 31, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

