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House Chamber, Lansing, Thursday, November 3, 2005.

10:30 a.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—excused	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—excused
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—excused	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—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—excused	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—e/d/s	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—excused	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—e/d/s	Kehrl—excused	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—excused	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. Steve Tobocman, from the 12th District, offered the following invocation:

“Today’s invocation is dedicated to the passing of Rosa Louise Parks. I want to thank everyone who took time yesterday to attend or to listen to the simulcast of the ceremony in Detroit and who reflected on the incredible contribution Ms. Parks made to humanity in her courageous act in Montgomery, Alabama 50 years ago. I also thought it appropriate to acknowledge the contributions she continued to make for equality here in Michigan and in Detroit throughout her 48 years of residency in Detroit and her final years of residency in the Riverfront Towers in the 12th District coinciding with my tenure as its Representative here in the House.

Yesterday, however, I could not help, but reflect that some 40 percent of Michigan’s residents live in the most segregated metropolitan area in this nation. And at a time of war in this country and as we in this Honored Body approach an election year, I thought it appropriate to borrow from a sermon delivered by Dr. Martin Luther King, Jr. delivered at Dexter Avenue Baptist Church in Montgomery, Alabama on November 17, 1957:

In the fifth chapter of the gospel as recorded by Saint Matthew, we read these very arresting words flowing from the lips of our Lord and Master: ‘Ye have heard that it has been said, “Thou shall love thy neighbor, and hate thine enemy.” But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them that despitefully use you; that ye may be the children of your Father which is in heaven.’ . . .

And Toynbee tells that out of the twenty-two civilizations that have risen up, all but about seven have found themselves in the junk heap of destruction. It is because civilizations fail to have sense enough to dim the lights [of hatred]. And if somebody doesn’t have sense enough to turn on the dim [of hatred] and beautiful and powerful lights of love in this world, the whole of our civilization will be plunged into the abyss of destruction. And we will all end up destroyed because nobody had any sense on the highway of history. Somewhere somebody must have some sense. Men must see that force begets force, hate begets hate, toughness begets toughness. And it is all a descending spiral, ultimately ending in destruction for all and everybody. Somebody must have sense enough and morality enough to cut off the chain of hate and the chain of evil in the universe. And you do that by love. . . .

Oh God, help us in our lives and in all of our attitudes, to work out this controlling force of love, this controlling power that can solve every problem that we confront in all areas. Oh, we talk about politics; we talk about the problems facing our atomic civilization. Grant that all men will come together and discover that as we solve the crisis and solve these problems—the international problems, the problems of atomic energy, the problems of nuclear energy, and yes, even the race problem—let us join together in a great fellowship of love and bow down at the feet of Jesus. Give us this strong determination. In the name and spirit of this Christ, we pray. Amen.”

Rep. Sak moved that Reps. Hunter, Kehrl, Lemmons, III, McConico, Murphy, Phillips and Shaffer be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 514 (MCL 280.514).

The bill was read a second time.

Rep. Taub moved to amend the bill as follows:

1. Amend page 2, following line 16, by inserting:

“(4) SUBSECTION (3) DOES NOT APPLY TO A PROJECT THAT INVOLVES A COUNTY WITH A POPULATION OF MORE THAN 1,000,000 WHICH WAS ORGANIZED PURSUANT TO 1973 PA 139, MCL 45.551 TO 45.573.”

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

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

The motion prevailed.

House Bill No. 5040, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 109i.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Family and Children Services,

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

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

The motion prevailed.

House Bill No. 5025, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5063, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 2002 PA 673.

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

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

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

The motion prevailed.

House Bill No. 5331, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1178 (MCL 380.1178), as amended by 2000 PA 9.

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

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

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

The motion prevailed.

Rep. Sak moved that Rep. Accavitti be excused temporarily from today’s session.

The motion prevailed.

Rep. Palmer moved that Rep. Nofs 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. 5275, entitled

A bill to amend 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

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

Roll Call No. 560

Yeas—98

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

Nays—0

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 1974 PA 163, entitled "L.E.I.N. policy council act of 1974," by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212, and 28.213) and by adding sections 1a and 3a.

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.

Rep. Accavitti, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 560. Had I been present, I would have voted 'yea'."

Rep. Nofs, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 560. Had I been present, I would have voted ‘yea’.”

Reps. Cushingberry and Cheeks entered the House Chambers.

House Bill No. 5276, entitled

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” (MCL 28.241 to 28.248) by adding section 2a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Drolet moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Rep. Virgil Smith entered the House Chambers.

House Bill No. 5277, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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

Roll Call No. 561

Yeas—103

Accavitti	Drolet	Law, David	Rocca
Acciavatti	Elsenheimer	Law, Kathleen	Sak
Adamini	Emmons	Leland	Schuitmaker
Amos	Espinoza	Lemmons, Jr.	Sheen
Anderson	Farhat	Lipsey	Sheltrown
Angerer	Farrah	Marleau	Smith, Alma
Ball	Gaffney	Mayer	Smith, Virgil
Baxter	Garfield	McDowell	Spade
Bennett	Gillard	Meisner	Stahl
Bieda	Gleason	Meyer	Stakoe
Booher	Gonzales	Miller	Steil
Brandenburg	Gosselin	Moolenaar	Stewart
Brown	Green	Moore	Taub
Byrnes	Hansen	Mortimer	Tobocman
Byrum	Hildenbrand	Newell	Vagnozzi
Casperson	Hood	Nitz	Van Regenmorter
Caswell	Hoogendyk	Nofs	Vander Veen
Caul	Hopgood	Palmer	Walker
Cheeks	Huizenga	Palsrok	Ward

Clack	Hummel	Pastor	Waters
Clemente	Hune	Pavlov	Wenke
Condino	Jones	Pearce	Whitmer
Cushingberry	Kahn	Plakas	Williams
DeRoche	Kolb	Polidori	Wojno
Dillon	Kooiman	Proos	Zelenko
Donigan	LaJoy	Robertson	

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.

The House returned to the consideration of
House Bill No. 5276, entitled

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” (MCL 28.241 to 28.248) by adding section 2a.

(The bill was considered earlier today, see today’s Journal p. 2075.)

The question being on the passage of the bill,

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

Roll Call No. 562**Yeas—82**

Accavitti	Donigan	Lemmons, Jr.	Sak
Adamini	Elsenheimer	Lipsey	Schuitmaker
Amos	Emmons	Mayes	Sheltrown
Anderson	Espinoza	McDowell	Smith, Virgil
Angerer	Farhat	Meisner	Spade
Ball	Farrah	Meyer	Stahl
Baxter	Gillard	Moolenaar	Stakoe
Bieda	Gleason	Moore	Steil
Booher	Gonzales	Mortimer	Stewart
Brandenburg	Green	Newell	Vagnozzi
Brown	Hansen	Nitz	Van Regenmorter
Byrnes	Hood	Nofs	Vander Veen
Byrum	Hopgood	Pastor	Walker
Casperson	Huizenga	Pavlov	Ward
Caul	Hummel	Pearce	Waters
Cheeks	Jones	Plakas	Wenke
Clack	Kahn	Polidori	Whitmer
Clemente	Kooiman	Proos	Williams
Condino	Law, David	Robertson	Wojno
Cushingberry	Law, Kathleen	Rocca	Zelenko
Dillon	Leland		

Nays—21

Acciavatti	Garfield	Kolb	Palsrok
Bennett	Gosselin	LaJoy	Sheen
Caswell	Hildenbrand	Marleau	Smith, Alma
DeRoche	Hoogendyk	Miller	Taub
Drolet	Hune	Palmer	Tobocman
Gaffney			

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.

Senate Bill No. 648, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending the title and sections 1, 2, 3, 4, and 5 (MCL 28.211, 28.212, 28.213, 28.214, and 28.215), section 4 as amended by 2000 PA 320, and by adding sections 1a and 3a; and to repeal acts and parts of acts.

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

Roll Call No. 563**Yeas—103**

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

Nays—0

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 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending sections 4 and 5 (MCL 28.214 and 28.215), section 4 as amended by 2000 PA 320; and to repeal acts and parts of acts.

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.

Quorum Call

Rep. Vander Veen questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 564**Yeas—102**

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

In The Chair: Kooiman

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

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
House Bill No. 5114, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2004 PA 377.

With the recommendation that the bill be referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
House Bill No. 5125, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80110, 80111, and 80112 (MCL 324.80110, 324.80111, and 324.80112), as added by 1995 PA 58.

With the recommendation that the bill be referred to the Committee on Local Government and Urban Policy.

Favorable Roll Call

To Report Out:

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

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Local Government and Urban Policy.

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
Senate Bill No. 747, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law and Bennett

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 3, 2005

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

Absent: Rep. Ward

Excused: Rep. Ward

The Committee on Insurance, by Rep. Hune, Chair, reported

House Bill No. 5256, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3020 (MCL 500.3020), as amended by 1998 PA 410.

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

Nays: None

The Committee on Insurance, by Rep. Hune, Chair, reported

House Bill No. 5292, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 7911, 7918, 7921, 7925, 7931, 7941, 7945, 8111, 8124, and 8134 (MCL 500.7911, 500.7918, 500.7921, 500.7925, 500.7931, 500.7941, 500.7945, 500.8111, 500.8124, and 500.8134), sections 7911 and 7921 as amended by 1993 PA 200, section 7918 as amended by 2001 PA 182, sections 7925, 7931, and 7945 as amended by 1980 PA 41, section 7941 as amended by 1990 PA 137, section 8111 as amended by 1992 PA 182, section 8124 as added by 1989 PA 302, and section 8134 as amended by 1998 PA 279, and by adding sections 8124a, 8125a, and 8133a.

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 3, 2005

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

The Committee on Conservation, Forestry, and Outdoor Recreation, by Rep. Casperson, Chair, reported

House Bill No. 4778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 44520a.

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. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, November 3, 2005

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Taub, Amos, Vander Veen, Emmons and Mortimer offered the following resolution:

House Resolution No. 149.

A resolution to memorialize the Congress of the United States to increase efforts to protect our borders.

Whereas, The current war on terrorism began on September 11, 2001, when terrorists unleashed an air assault on America's military and financial power centers, hijacking commercial jets and crashing them into the World Trade Center in New York, and the Pentagon in Washington, D.C. Thousands of innocent people were murdered, and the nation suffered billions of dollars in damages from this terrorist attack; and

Whereas, In response to these attacks, in order to better coordinate security and emergency response efforts, the federal government created a federal Homeland Security Department and increased funding for antiterrorism efforts throughout the nation. Border security is an essential component of creating a safe and secure homeland and the federal Homeland Security Department is responsible for protecting our borders. As a border state that includes some of the busiest points of entry in the country, Michigan is acutely aware of the importance of this issue; and

Whereas, In order to increase our safety and security, Congress should pass legislation that provides increased manpower and more sophisticated technology at the national borders. United States border security should be able to apprehend illegal immigrants and potential terrorists before they enter the country and cause mayhem; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to increase efforts to protect our borders; and be it further

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

The resolution was referred to the Committee on Transportation.

Reps. Polidori, Accavitti, Bieda, Brown, Byrnes, Byrum, Clack, Cushingberry, Espinoza, Farrah, Garfield, Gleason, Gonzales, Hood, Hopgood, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Meisner, Miller, Plakas, Proos, Alma Smith, Spade, Taub, Tobocman, Vagnozzi, Waters and Zelenko offered the following resolution:

House Resolution No. 150.

A resolution wishing Muslims in Michigan and beyond a happy Eid al-Fitr, the celebration marking the end of the fasting month of Ramadan.

Whereas, Muslims, who make up nearly 1.5 billion people worldwide and nearly 300,000 in the United States, have observed the holy month of Ramadan; and

Whereas, This month is observed in celebration of the Islamic faith and in commemoration of the month in which the Muslim holy book, the Koran, was revealed to Muhammad; and

Whereas, Muslims around the world have celebrated Ramadan by refraining from food, drink, and other activities during daylight hours; and

Whereas, Muslims have spent this time in reflection and prayer, while strengthening the bonds of family and friendship; and

Whereas, This month of sacrifice and contemplation ends Thursday, November 3, 2005, with Eid al-Fitr, a day of joyous celebration; now, therefore, be it

Resolved by House of Representatives, That the members of this legislative body extend its warmest wishes to Muslims in Michigan and beyond on the celebration of Eid al-Fitr, and together we wish our Muslim friends and neighbors *Eid Mubarak!*

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Messages from the Senate

House Bill No. 4369, entitled

A bill to provide for the establishment of commercial rehabilitation districts in certain local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain qualified facilities; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of certain local governmental officials; and to provide penalties.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4403, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16215 (MCL 333.16215), as amended by 1999 PA 60.

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.

House Bill No. 4860, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3109 (MCL 324.3109), as amended by 2005 PA 32.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), 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.

Communications from State Officers

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

November 1, 2005

Enclosed is a copy of the following audit report and/or report summary:

Performance audit of the Teradata Data Warehouse

Department of Information Technology

November 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. Caswell, Shaffer and Hildenbrand introduced

House Bill No. 5401, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 2 (MCL 207.772), as amended by 2004 PA 396.

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

Reps. Proos, Huizenga, Palsrok, Tobocman, Hansen, Shaffer, Green, David Law, Emmons, Nitz, Marleau, Accavitti, Angerer, Clemente, Vander Veen, Ball, Gosselin, Caswell, Hildenbrand, Newell, LaJoy, Stahl, Brandenburg, Sheltrown and Kahn introduced

House Bill No. 5402, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4z.
The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Reps. Proos, Huizenga, Palsrok, Tobocman, Hansen, Shaffer, Green, David Law, Emmons, Nitz, Marleau, Accavitti, Angerer, Clemente, Vander Veen, Ball, Gosselin, Caswell, Hildenbrand, Newell, LaJoy, Stahl, Brandenburg, Sheltrown and Kahn introduced

House Bill No. 5403, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.
The bill was read a first time by its title and referred to the Committee on Energy and Technology.

Rep. Palmer moved that Rep. DeRoche be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 5237, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 210, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316, 316a, 317, 321, 352, 353, 355, 357, 358, 359, 401, 502, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2210, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316, 484.2316a, 484.2317, 484.2321, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, and 604 as amended and sections 214 and 316a as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 321, 352, 353, 355, 357, 358, and 359 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, section 316 as amended by 1999 PA 31, and section 505 as added by 1998 PA 260, and by adding sections 211a, 252, 301a, 305a, 305b, 310a, and 353a; and to repeal acts and parts of acts.

The Senate has amended the bill as follows:

1. Amend page 9, line 12, by striking out "**COMMUNICATIONS ACT OF 1934**" and inserting "**TELECOMMUNICATIONS ACT OF 1996**".
2. Amend page 25, line 15, after "**ITS**" by striking out "**INCORPORATED**".
3. Amend page 25, line 22, after "**PROVIDERS**" by striking out the balance of the subdivision and inserting a period.
4. Amend page 26, line 8, by striking out "**(4)**" and inserting "**(3)**".
5. Amend page 26, line 10, by striking out "**INCORPORATED**".
6. Amend page 27, following line 2, following subdivision (F) by inserting:

"(6) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT A MUNICIPALLY-OWNED UTILITY FROM PROVIDING TO ITS ENERGY CUSTOMERS, EITHER DIRECTLY OR INDIRECTLY, ANY ENERGY RELATED SERVICE INVOLVING THE TRANSFER OR RECEIPT OF INFORMATION OR DATA CONCERNING THE USE, MEASUREMENT, MONITORING, OR MANAGEMENT OF ENERGY SERVICES PROVIDED BY THE MUNICIPALLY-OWNED UTILITY, INCLUDING SERVICES SUCH AS LOAD MANAGEMENT OR AUTOMATED METER READING." and renumbering the remaining subsection.

7. Amend page 33, line 6, after "**CALL.**" by inserting "**THE COMMISSION SHALL CONVENE A WORKGROUP OF INTERESTED PARTIES FOR THE PURPOSE OF RESOLVING ISSUES SURROUNDING VIRTUAL NXX. VIRTUAL NXX IS THE ASSIGNMENT OF A TELEPHONE NUMBER TO CUSTOMERS WHO ARE NOT PHYSICALLY LOCATED IN THE EXCHANGE TO WHICH THE NXX IS ASSIGNED. THE WORKGROUP SHALL CONSIDER THE UTILIZATION OF VIRTUAL NXX SERVICES TO TRANSPORT INTEREXCHANGE TRAFFIC AND THE ASSOCIATED INTER-CARRIER COMPENSATION. PRIOR TO**

JULY 1, 2006, THE COMMISSION SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE HOUSE AND SENATE STANDING COMMITTEES WITH OVERSIGHT OF TELECOMMUNICATION ISSUES ON THE PROGRESS OF WORKGROUP DISCUSSIONS. THE REPORT SHALL INCLUDE A COMMISSION POLICY STATEMENT RELATING TO THE PROVISION OF VIRTUAL NXX SERVICES, AND RECOMMENDATIONS FOR LEGISLATION, IF ANY?.

8. Amend page 34, line 3, after the second "OR" by inserting "A PERSON WHO PROVIDES A SERVICE FOR".

9. Amend page 34, following line 21, by inserting:

"(16) A PROVIDER SHALL FILE WITH THE COMMISSION FOR REVIEW AND APPROVAL A TARIFF FOR THE RATES AND CHARGES FOR CALLS MADE THAT EXCEED THE 100-CALL LIMIT OF PRIMARY BASIC LOCAL EXCHANGE SERVICE."

10. Amend page 39, line 12, after "(A)" by striking out the balance of the line through "SERVICE" on line 13.

11. Amend page 44, line 9, after "AFTER" by striking out "JANUARY" and inserting "JUNE".

12. Amend page 44, line 15, after "THAN" by striking out "JANUARY" and inserting "JUNE".

13. Amend page 44, line 16, after the second "THE" by inserting "PRIMARY".

14. Amend page 44, line 19, after "2005." by striking out the balance of the subsection.

15. Amend page 47, line 18, by striking out all of subdivision (D).

16. Amend page 47, following line 19, by inserting:

"SEC. 314B. (1) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, A TELECOMMUNICATION PROVIDER SHALL NOT DISCONTINUE BASIC LOCAL EXCHANGE TELECOMMUNICATION SERVICE TO A RESIDENCE OF A PERSON WHO IS CERTIFIED AS DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED BY A LICENSED PHYSICIAN, LICENSED AUDIOLOGIST, OR QUALIFIED STATE AGENCY, WHO HAS MADE A FILING UNDER THIS SECTION.

(2) A DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER MAY APPLY FOR SHUT-OFF PROTECTION FOR TELECOMMUNICATION SERVICES UNDER THIS SECTION BY NOTIFYING THE PROVIDER THAT THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER IS IN NEED OF ASSISTANCE CAUSED BY A REDUCTION IN HOUSEHOLD INCOME.

(3) A PROVIDER OF SERVICE MAY REQUEST VERIFICATION OF THE REDUCTION IN HOUSEHOLD INCOME FROM THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER.

(4) A PROVIDER OF SERVICE MAY REQUIRE RESTRICTIONS OR ELIMINATION OF CALLING FEATURES OR TOLL SERVICE AS A CONDITION OF GRANTING A DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER'S REQUEST FOR SHUT-OFF PROTECTION UNDER THIS SECTION. THE PROVIDER SHALL NOT RESTRICT THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER'S ACCESS TO A TELECOMMUNICATION RELAY SERVICE REQUIRED UNDER SECTION 315.

(5) A DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER MAY RECEIVE SHUT-OFF PROTECTION FROM THE PROVIDER OF SERVICE UNDER THIS SECTION FOR UP TO 90 DAYS. UPON APPLICATION TO THE PROVIDER, THE PROVIDER MAY GRANT THE QUALIFYING CUSTOMER 1 OR MORE EXTENSIONS.

(6) UNLESS WAIVED BY THE PROVIDER, THE SHUT-OFF PROTECTION PROVIDED UNDER THIS SECTION DOES NOT VOID OR LIMIT THE OBLIGATION OF THE QUALIFYING CUSTOMER TO PAY FOR TELECOMMUNICATION SERVICES RECEIVED DURING THE TIME OF ASSISTANCE.

(7) WITHIN 48 HOURS OF RECEIVING ALL INFORMATION REQUESTED OF THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER, A PROVIDER SHALL DO ALL OF THE FOLLOWING:

(A) CREATE A REPAYMENT PLAN REQUIRING MINIMUM MONTHLY PAYMENTS THAT ALLOWS THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER TO PAY ANY PAST DUE AMOUNTS OVER A REASONABLE TIME PERIOD NOT TO EXCEED 1 YEAR.

(B) PROVIDE A DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER WITH INFORMATION REGARDING ANY GOVERNMENTAL, PROVIDER, OR OTHER ASSISTANCE PROGRAMS.

(8) THIS SECTION DOES NOT AFFECT OR AMEND ANY COMMISSION RULES OR ORDERS PERTAINING TO BILLING STANDARDS. IF THE TERMS AND CONDITIONS ARRANGED BY THE PROVIDER WITH THE DEAF OR HARD OF HEARING, OR SPEECH-IMPAIRED CUSTOMER UNDER SUBSECTION (7) ARE NOT FOLLOWED BY THE CUSTOMER, THEN THE PROVIDER SHALL FOLLOW PROCEDURES AS SET FORTH IN THE COMMISSION'S BILLING STANDARDS FOR BASIC RESIDENTIAL TELECOMMUNICATION SERVICE."

17. Amend page 63, following line 12, by inserting:

"Sec. 504. Each regulated telecommunications provider DOING BUSINESS IN THIS STATE shall file with the commission a small and minority owned telecommunication business, as defined by the department of management and

budget, participation plan ~~within 60 days of the effective date of this act. Competing telecommunication providers~~ **NO LATER THAN MARCH 1, 2006. A NEW PROVIDER SEEKING TO DO BUSINESS IN THIS STATE** shall file such a plan with the commission with ~~their~~ **ITS** application for license. ~~Such~~ **THE** plan shall contain ~~such~~ **THE** entity's plan for purchasing goods and services from small and minority telecommunications businesses and information on programs, if any, to provide technical assistance to ~~such~~ **SMALL AND MINORITY TELECOMMUNICATIONS** businesses.”.

18. Amend page 64, line 12, after “360,” by striking out “504.”.

19. Amend page 64, line 14, after “484.2360,” by striking out “484.2504.”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1991 PA 179, entitled “An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date,” by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 210, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316, 316a, 317, 321, 352, 353, 355, 357, 358, 359, 401, 502, 504, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2210, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316, 484.2316a, 484.2317, 484.2321, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2504, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, and 604 as amended and sections 214 and 316a as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 321, 352, 353, 355, 357, 358, 359, and 504 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, section 316 as amended by 1999 PA 31, and section 505 as added by 1998 PA 260, and by adding sections 211a, 252, 301a, 305a, 305b, 310a, 314b, and 353a; and to repeal acts and parts of acts.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 565

Yeas—96

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

Nays—6

Anderson
Ball

Bennett
Emmons

Farhat

Moore

In The Chair: Kooiman

The House agreed to the title as amended.

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

Rep. Moore, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I have concerns about the rates in rural areas increasing due to this legislation. These increased rates would have a negative effect upon the poor and elderly in the 97th district.”

Rep. Emmons, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

Since the early part of the twentieth century the commitment to ensure utilities are affordable and accessible for all citizens regardless of location, has been a priority in Michigan. The passage of this bill has the potential for burdensome price increases for those residents where competition in providing services is negligible.”

Third Reading of Bills**House Bill No. 4835, entitled**

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 57a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

Second Reading of Bills**Senate Bill No. 747, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 747, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

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

Roll Call No. 566**Yeas—102**

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

Nays—0

In The Chair: Kooiman

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills**House Bill No. 4027, entitled**

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 7 (MCL 207.557), as amended by 1996 PA 513.

The bill was read a second time.

Rep. Huizenga moved to substitute (H-3) the bill.
The question being on the adoption of the substitute (H-3) offered by Rep. Huizenga,

Point of Order

Rep. Meisner requested a point of order on whether the substitute is properly before the House.
The Chair ruled that the substitute is properly before the House.

Rep. Meisner appealed the decision of the Chair.

The question being, "Shall the judgment of the Chair stand as the judgment of the House?"

The judgment of the Chair stood as the judgment of the House, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 567

Yeas—56

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

Nays—46

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

In The Chair: Kooiman

The question being on the adoption of the substitute (H-3) offered by Rep. Huizenga,
The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4027, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 7 (MCL 207.557), as amended by 1996 PA 513.

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

Roll Call No. 568

Yeas—66

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

Nays—37

Accavitti	Condino	Leland	Smith, Alma
Adamini	Cushingberry	Lemmons, Jr.	Smith, Virgil
Anderson	Donigan	Lipsey	Tobocman
Bennett	Farrah	Mayes	Vagnozzi
Bieda	Gleason	Meisner	Waters
Brown	Gonzales	Miller	Whitmer
Byrum	Hood	Plakas	Williams
Cheeks	Hopgood	Polidori	Wojno
Clack	Kolb	Sak	Zelenko
Clemente			

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 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy

and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2005 PA 118 and section 7 as amended by 1996 PA 513.

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.

The House returned to the consideration of

House Bill No. 4835, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” (MCL 388.1601 to 388.1772) by adding section 57a.

(The bill was considered earlier today, see today’s Journal p. 2086.)

The question being on the passage of the bill,

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

Roll Call No. 569

Yeas—58

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gosselin	Meyer	Stahl
Amos	Green	Moolenaar	Stakoe
Ball	Hansen	Mortimer	Steil
Baxter	Hildenbrand	Nitz	Stewart
Booher	Huizenga	Nofs	Taub
Byrnes	Hummel	Palmer	Tobocman
Casperson	Hune	Palsrok	Vagnozzi
Caul	Jones	Pastor	Van Regenmorter
Condino	Kahn	Pavlov	Vander Veen
DeRoche	Kolb	Pearce	Walker
Elsenheimer	Kooiman	Proos	Ward
Farhat	LaJoy	Robertson	Wenke
Farrah	Law, David	Rocca	Williams
Gaffney	Marleau		

Nays—45

Adamini	Cushingberry	Hopgood	Polidori
Anderson	Dillon	Law, Kathleen	Sak
Angerer	Donigan	Leland	Schuitmaker
Bennett	Drolet	Lemmons, Jr.	Sheltrown
Bieda	Emmons	Lipsey	Smith, Alma
Brandenburg	Espinoza	Mayes	Smith, Virgil
Brown	Gillard	McDowell	Spade
Byrum	Gleason	Miller	Waters
Caswell	Gonzales	Moore	Whitmer
Cheeks	Hood	Newell	Wojno
Clack	Hoogendyk	Plakas	Zelenko
Clemente			

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

“Mr. Speaker and members of the House:

I voted no on House Bill 4835 because it appropriates School Aid Funds for two schools and could commit School Aid dollars in future years for the benefit of just those two school districts, at the detriment of the rest of the schools in our State.

House Bill 4835 spends School Aid dollars for grants to just two schools that adopt an International Baccalaureate Program. Under the Price of Government approach to the budget this year, funding and programmatic priorities were determined. This program was not discussed at that time, much less prioritized. If the Legislature is going to show some accountability for how they appropriate funds to ensure that politics are not driving the spending, then this program should be held to the same level of scrutiny as the rest of the spending in the School Aid Budget.

Additionally, while this program may be worthwhile, no independent research was provided to the committee to show the effectiveness of the program. The only testimony provided was anecdotal or from the program itself.

Finally, this program includes an implied promise of continuing funding for four years. Thus, a total of \$1 million could be divided between just two school districts, leaving that much less funding for programs that benefit schools statewide. For these reasons, I voted NO on House Bill 4835.”

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:

While the program this bill creates appears to have some merit, I am concerned that in passing this legislation, we are neglecting this legislature’s own rules — that of the Price of Government approach. Under the Price of Government approach to the budget, funding and programmatic priorities were determined. Unfortunately, the program anticipated by House Bill 4835 was never even discussed, and certainly never prioritized.

In addition, House Bill 4835 appropriates School Aid Funds for two schools and has the potential of committing School Aid dollars in future years for the benefit of just those two school districts — at the detriment of the rest of the schools in our State. While this International Baccalaureate Program may be worthwhile, no independent research was provided to the committee to show the effectiveness of the program. Indeed, the only testimony provided was anecdotal or from the program itself. Thus, for these reasons, I voted ‘no’ on House Bill 4835.”

Second Reading of Bills

House Bill No. 4539, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 3 and 4 (MCL 207.773 and 207.774), section 3 as amended by 2004 PA 396 and section 4 as amended by 2004 PA 566.

The bill was read a second time.

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

The motion prevailed.

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

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

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

The motion prevailed.

Rep. Sak moved that Reps. Cheeks and Kolb be excused temporarily from today’s session.

The motion prevailed.

Rep. Ward moved that Reps. DeRoche, Nitz, Nofs and Garfield 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. 4539, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 3 and 4 (MCL 207.773 and 207.774), section 3 as amended by 2004 PA 396 and section 4 as amended by 2004 PA 566.

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

Roll Call No. 570

Yeas—96

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Zelenko, Kolb, Lipsey, Kathleen Law, Bieda, Clack, Vagnozzi, Accavitti, Hune, Gleason, Nofs, Ward, Byrum, Huizenga, Farhat, Gillard, Ball, Bennett, Clemente, Donigan, Elsenheimer, Hansen, Kahn, Lemmons, Jr., McDowell, Miller, Mortimer and Polidori were named co-sponsors of the bill.

Rep. Kolb, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 570. Had I been present, I would have voted 'yea'."

Rep. Nofs, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 570. Had I been present, I would have voted ‘yea’.”

Rep. Nitz, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 570. Had I been present, I would have voted ‘yea’.”

Rep. Garfield, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 570. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

House Bill No. 4540, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4540, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 9 (MCL 207.779), as amended by 2003 PA 127.

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

Roll Call No. 571

Yeas—101

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak
Adamini	Espinoza	Leland	Schuitmaker
Amos	Farhat	Lemmons, Jr.	Sheen
Anderson	Farrah	Lipsey	Sheltrown
Angerer	Gaffney	Marleau	Smith, Alma
Ball	Garfield	Mayer	Smith, Virgil
Baxter	Gillard	McDowell	Spade
Bennett	Gleason	Meisner	Stahl
Bieda	Gonzales	Meyer	Stakoe
Booher	Gosselin	Miller	Steil
Brandenburg	Green	Moolenaar	Stewart
Brown	Hansen	Moore	Taub
Byrnes	Hildenbrand	Mortimer	Tobocman
Byrum	Hood	Newell	Vagnozzi
Casperson	Hoogendyk	Nitz	Van Regenmorter
Caswell	Hopgood	Nofs	Vander Veen
Caul	Huizenga	Palsrok	Walker

Clack	Hummel	Pastor	Ward
Clemente	Hune	Pavlov	Waters
Condino	Jones	Pearce	Wenke
Cushingberry	Kahn	Plakas	Whitmer
DeRoche	Kolb	Polidori	Williams
Dillon	Kooiman	Proos	Wojno
Donigan	LaJoy	Robertson	Zelenko
Drolet			

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Accavitti, Ball, Bieda, Brandenburg, Byrum, Clack, DeRoche, Dillon, Elsenheimer, Espinoza, Farhat, Farrah, Gillard, Gleason, Gonzales, Green, Hoogendyk, Huizenga, Hune, Kahn, Kolb, Lemmons, Jr., Lipsey, McDowell, Meisner, Miller, Mortimer, Pavlov, Polidori, Proos, Schuitmaker, Vagnozzi, Vander Veen, Ward, Wenke and Zelenko were named co-sponsors of the bill.

Rep. Cheeks, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 570-571. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

House Bill No. 4538, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 2 and 8 (MCL 207.772 and 207.778), section 2 as amended by 2004 PA 396.

The bill was read a second time.

Reps. McConico, Sak and Hildenbrand moved to amend the bill as follows:

1. Amend page 2, line 10, after “**RESIDENCE**” by striking out “**AND**” and inserting a comma.
2. Amend page 2, line 11, after “**1968**” by inserting a comma and “**AND THAT IS LOCATED IN A CITY WITH A POPULATION OF 175,000 OR LESS OR A CITY WITH A POPULATION OF 750,000 OR MORE.**”.
3. Amend page 2, line 14, after “MCL 125.2782.” by inserting “**FOR HOMESTEAD FACILITIES, LOCAL GOVERNMENTAL UNIT INCLUDES 3 OR MORE CONTIGUOUS CITIES IN A CHARTER COUNTY WITH A POPULATION OF 2,000,000 OR MORE SERVED BY THE SAME SCHOOL DISTRICT.**”.

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. Caswell moved to amend the bill as follows:

1. Amend page 2, line 14, after “MCL 125.2782” by inserting a comma and “**OR A COUNTY SEAT**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4538, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2 and 8 (MCL 207.772 and 207.778), section 2 as amended by 2004 PA 396.

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

Roll Call No. 572

Yeas—101

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

Nays—1

Sak

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that Rule 75 be suspended.

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

By unanimous consent the House considered **House Resolution No. 152** out of numerical order.

Reps. Ward and Waters offered the following resolution:

House Resolution No. 152.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 36 of the Standing Rules of the House of Representatives be amended to read as follows:

“Uniform Committee Rules.

Rule 36. (1) Committees and subcommittees shall operate under the rules of the House and the uniform committee rules which shall be published in the House Journal. The Clerk of the House shall assign committee clerks with the approval of the respective committee Chairs. Duties of committee clerks shall be prescribed by the Clerk of the House.

(2) Special committees shall operate under the same rules as standing committees insofar as practical. Conference committees on House bills shall meet at a place assigned by the Clerk.

(3) All committees will operate under the following rules and other uniform committee rules as determined and published by the Speaker:

(a) A quorum of a committee shall consist of a majority of the Members appointed and serving;

(b) Members of standing committees may not check in for a committee meeting and leave their vote. Members of committees may only cast a vote if they are present at the meeting during the vote;

(c) All motions pertaining to committee business require support from a second member of the committee before the committee can act on and carry the original motion;

(d) It shall require an affirmative vote of a majority of the Members appointed to and serving on a committee in order to:

(i) Report a bill or resolution out of committee

(ii) Amend or substitute a bill or resolution

(iii) Reconsider a vote to report a bill or joint resolution from committee

(e) Provided a quorum of a committee is present, it shall require an affirmative vote of a majority of the Members voting in order to:

(i) Table a bill or resolution

(ii) Take a bill or resolution from the table

(iii) Reconsider a vote, other than in subdivision (d)(iii)

(f) It shall require an affirmative vote of a majority of the Members voting in order to:

(i) Postpone action on a bill or resolution

(ii) Recess

(iii) Adjourn a meeting

(g) Each chair of a standing committee shall determine the agenda for a committee meeting; and

(h) The chair of a standing committee may create subcommittees and shall designate the bill(s), resolution(s) or topic(s) to be considered by each subcommittee. The chair of the standing committee shall designate a chair of the subcommittee and shall appoint Members to each subcommittee.

(4) The Speaker may designate additional Members to serve on any subcommittee of ~~the A STANDING Committee~~ **COMMITTEE on Appropriations** as voting members who do not serve on the full committee.

(5) Subcommittees of standing committees shall follow the same rules as standing committees.

(6) Meetings or public hearings of committees may be scheduled outside of Lansing with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the standing committee and the Speaker in order to conduct a public hearing or meeting outside of Lansing.

(7) All meetings or public hearings of committees or subcommittees shall comply with the following procedures in order to assure public access (See Const 1963, Art 4 §§ 16 and 17):

(a) All meetings or public hearings shall be open to the public and accessible;

(b) The right of any person to attend a meeting or public hearing includes the right to tape-record, videotape, and/or broadcast live on radio or television;

(c) As defined in paragraph (7)(b), the right of any person to attend a meeting or public hearing may not be conditioned on prior approval of, or notice to, the committee or subcommittee;

(d) All decisions of a committee or subcommittee shall be made at a public meeting. A committee may not round robin a bill nor may the roll call vote of a committee be left open;

(e) The right of a person to attend a meeting or public hearing shall not be limited by a requirement that she or he register or otherwise provide his or her name or other identifying information to the committee, the committee chair, a subcommittee or a subcommittee chair;

(f) A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except for a breach of the peace or in order to protect the health and safety of all persons in attendance at the meeting;

(g) A rescheduled or a special meeting of a committee or subcommittee shall be posted at least 18 hours before the scheduled meeting time. No committee or subcommittee shall remain in session or stand in recess beyond the hour of 12:00 midnight; and

(h) Notice of committee or subcommittee meetings or public hearings shall include notice that individuals needing special services to fully participate in the meeting or public hearing may contact the committee or subcommittee chair to request the necessary assistance.

(8) Each committee shall have written minutes prepared of each meeting. The minutes shall include the date, time, place, Members present, Members absent, Members excused, and any decisions which were made. The minutes shall also include all roll call votes taken at the meeting. The proposed minutes of a meeting shall be available for inspection by the public within 8 working days of the meeting. Minutes shall be approved by the committee at a subsequent meeting. Approved minutes shall be available for public inspection no later than 5 working days after approval.

(9) Committees shall excuse a Member from attending a committee meeting:

- (a) Upon a showing of personal illness;
- (b) Because of a death in the immediate family;
- (c) Upon showing of serious immediate family illness;
- (d) Because the Member is in attendance at some other committee meeting; and
- (e) Any other reason the committee deems appropriate.

(10) Committees shall not meet during a session of the House without the consent of the House.

(11) There shall be no smoking during a meeting of a standing committee or a subcommittee.

(12) To the extent practical, special committees shall follow the same rules as standing committees of the House.

(13) Portable telephones shall not be used in a room in which a committee of the House is meeting while that meeting is occurring.

(14) With approval of a majority of the Members appointed and serving on the committee, a committee may adopt additional rules provided they do not conflict with the Uniform Standing Committee Rules or with the Standing Rules of the House.

(15) A motion for previous question is not in order.”.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, November 3, for her approval of the following bill:

Enrolled House Bill No. 4316 at 9:40 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, November 3:

House Bill Nos. 5396 5397 5398 5399 5400

The Clerk announced that the following Senate bills had been received on Thursday, November 3:

Senate Bill Nos. 88 120 263 712 778 788 794

By unanimous consent the House returned to the order of

Motions and Resolutions

The Speaker offered the following resolution:

House Resolution No. 151.

A resolution to create a special committee on Medicaid reform and innovation to examine ways to improve the Medicaid program.

Whereas, The Medicaid program is a federal-state partnership to provide health coverage for certain low income and medically needy individuals; and

Whereas, For decades, the Medicaid program has become increasingly costly as the number of enrollees as well as the cost of services have risen. Medicaid expenditures have escalated at a rate that exceeds the state's projected General Fund/General Purpose revenue growth. Nearly a quarter of the state's GF/GP revenue growth is appropriated within the Medicaid program; and

Whereas, In order to address the challenges facing this vitally important program, it is imperative that we study Michigan's current Medicaid system and examine the following issues with the goal to develop reforms:

- Improve technology and other efficiencies to save and secure Medicaid funding;
- Explore current and future health care needs of recipients; and
- Examine reform options to ensure the system remains viable for residents in the future

; now, therefore, be it

Resolved by the House of Representatives, That there be created a special committee on Medicaid reform and innovation comprised of eleven members appointed in the same manner as standing committees of the House of Representatives are appointed. The committee will report its findings and recommendations to the Speaker of the House.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Messages from the Senate

Senate Bill No. 88, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3517, 3519, 3523, 3529, 3533, 3539, and 3571 (MCL 500.3515, 500.3517, 500.3519, 500.3523, 500.3529, 500.3533, 500.3539, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3517, 3533, 3539, and 3571 as added by 2000 PA 252, and sections 3523 and 3529 as amended by 2002 PA 304.

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. 120, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

The Senate has passed the bill.

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

Senate Bill No. 263, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

The Senate has passed the bill.

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

Senate Bill No. 712, 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 Senate has passed the bill.

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

Senate Bill No. 778, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2521 (MCL 324.2521), as added by 1999 PA 195.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Senate Bill No. 788, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

The Senate has passed the bill.

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

Senate Bill No. 794, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 5430 and 5432.

The Senate has passed the bill.

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

Rep. Clemente moved that the House adjourn.
The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, November 8, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

