

**No. 80**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

---

---

House Chamber, Lansing, Thursday, September 22, 2005.

10:30 a.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—excused	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—excused	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—e/d/s
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—excused
Cheeks—excused	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—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Tom Pearce, from the 73rd District, offered the following invocation:

“It’s our confession Lord, that we are weak, but You are strong. May we learn from David as he wrote in Psalm 19:7-11

The law of the Lord is perfect, reviving the soul. The statutes of the Lord are trustworthy, making wise simple. The precepts of the Lord are right, giving joy to the heart. The commands of the Lord are radiant, giving light to the eyes. The fear of the Lord is pure, enduring forever. The ordinances of the Lord are sure, and altogether righteous. They are more precious than gold, than much pure gold, they are sweeter than honey, than honey from the comb. By them is Your servant warned; in keeping them there is great reward.

Father, may we learn that true wisdom doesn’t come from trying to get You to see the world through our eyes, but by trying to see the world through Yours. May we do that today as members of this House. Lord, we pray for those still suffering from a hurricane and we pray for those that are preparing for another. May Your hand of compassion, discernment, wisdom and strength be with them all and may our hearts as a nation be drawn too. We ask this in Your name, Amen.”

---

Rep. Palmer moved that Reps. Garfield and Van Regenmorter be excused from today’s session. The motion prevailed.

Rep. Miller moved that Reps. Cheeks, Hunter and Murphy be excused from today’s session. The motion prevailed.

### Second Reading of Bills

#### House Bill No. 4968, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 1104, 2301, 2908, 3715, 3804, 3919, 5202, 5217, 5423, 7401, 7502, and 7508 (MCL 700.1104, 700.2301, 700.2908, 700.3715, 700.3804, 700.3919, 700.5202, 700.5217, 700.5423, 700.7401, 700.7502, and 700.7508), sections 1104 and 5202 as amended by 2000 PA 54, sections 2301 and 3715 as amended by 2004 PA 314, section 5423 as amended by 2000 PA 469, and section 7508 as amended by 2000 PA 177.

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

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

Rep. Schuitmaker moved to amend the bill as follows:

1. Amend page 31, following line 9, by inserting:

“Sec. 5308. The guardian’s authority and responsibility for a legally incapacitated individual terminates upon the death of the guardian or ward, upon the determination of incapacity of the guardian, or upon removal or resignation as provided in section 5310. Testamentary appointment of a guardian under **AN UNPROBATED WILL OR** a will informally probated under article III terminates if the will is later denied probate in a formal testacy proceeding.”.

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

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

The motion prevailed.

#### Senate Bill No. 415, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82148 (MCL 324.82148), as added by 1995 PA 58.

The bill was read a second time.

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 82101. (1) As used in this part:

(a) “Conviction” means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, or a finding of guilt or probate court disposition on a violation of this part, regardless of whether the penalty is rebated or suspended.

- (b) “Dealer” means any person engaged in the sale, lease, or rental of snowmobiles as a regular business.
- (c) “Former section 15a” means section 15a of former 1968 PA 74, as constituted prior to May 1, 1994.
- (d) “Highly restricted personal information” means an individual’s photograph or image, social security number, digitized signature, and medical and disability information.
- (e) “Highway or street” means the entire width between the boundary lines of every way publicly maintained if any part thereof is open to the use of the public for purposes of vehicular travel.
- (f) “In-kind contributions” means services and goods as approved by the department that are provided by a grant recipient toward completion of a department-approved local snowmobile program under section 82107.
- (g) “Law of another state” means a law or ordinance enacted by ~~another state or by a~~ **ANY OF THE FOLLOWING:**
- (i) **ANOTHER STATE.**
- (ii) A local unit of government in another state.
- (iii) **CANADA OR A PROVINCE OR TERRITORY OF CANADA.**
- (iv) **A LOCAL UNIT OF GOVERNMENT IN A PROVINCE OR TERRITORY OF CANADA.**
- (h) “Long-term incapacitating injury” means an injury that causes a person to be in a comatose, quadriplegic, hemiplegic, or paraplegic state, which state is likely to continue for 1 year or more.
- (i) “Operate” means to ride in or on and be in actual physical control of the operation of a snowmobile.
- (j) “Operator” means any person who operates a snowmobile.
- (k) “Owner” means any of the following:
- (i) A person who holds the legal title to a snowmobile.
- (ii) A vendee or lessee of a snowmobile that is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.
- (iii) A person renting a snowmobile or having the exclusive use of a snowmobile for more than 30 days.
- (l) “Peace officer” means any of the following:
- (i) A sheriff.
- (ii) A sheriff’s deputy.
- (iii) A deputy who is authorized by a sheriff to enforce this part and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to this part.
- (iv) A village or township marshal.
- (v) An officer of the police department of any municipality.
- (vi) An officer of the Michigan state police.
- (vii) The director and conservation officers employed by the department.
- (viii) A law enforcement officer who is certified pursuant to the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616, as long as that officer is policing within his or her jurisdiction.
- (m) “Personal information” means information that identifies an individual, including an individual’s driver identification number, name, address not including zip code, and telephone number, but does not include information on snowmobile operation or equipment-related violations or civil infractions, operator or snowmobile registration status, accidents, or other behaviorally-related information.
- (n) “Probate court or family division disposition” means the entry of a probate court order of disposition or family division order of disposition for a child found to be within the provisions of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.
- (o) “Prosecuting attorney”, except as the context requires otherwise, means the attorney general, the prosecuting attorney of a county, or the attorney representing a local unit of government.
- (P) “RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT”, SUBJECT TO SUBSECTION (2), MEANS THE RECREATIONAL SNOWMOBILE TRAIL IMPROVEMENT SUBACCOUNT OF THE SNOWMOBILE ACCOUNT CREATED IN SECTION 82110.**
- (Q) (⊕) “Right-of-way” means that portion of a highway or street less the roadway and any shoulder.**
- (R) (⊕) “Roadway” means that portion of a highway or street improved, designated, or ordinarily used for vehicular travel. If a highway or street includes 2 or more separate roadways, the term roadway refers to any such roadway separately, but not to all such roadways collectively.**
- (S) (⊕) “Shoulder” means that portion of a highway or street on either side of the roadway that is normally snowplowed for the safety and convenience of vehicular traffic.**
- (T) (⊕) “Snowmobile” means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.**
- (U) “SNOWMOBILE ACCOUNT”, SUBJECT TO SUBSECTION (2), MEANS THE SNOWMOBILE ACCOUNT OF THE MICHIGAN CONSERVATION AND RECREATION LEGACY FUND PROVIDED FOR IN SECTION 2025.**

**(V) “SNOWMOBILE REGISTRATION FEE SUBACCOUNT”, SUBJECT TO SUBSECTION (2), MEANS THE SNOWMOBILE REGISTRATION FEE SUBACCOUNT OF THE SNOWMOBILE ACCOUNT CREATED IN SECTION 82111.**

**(W) (⊕)** “Zone 1” means all of the Upper Peninsula.

**(X) (⊕)** “Zone 2” means all of that part of the Lower Peninsula north of a line beginning at and drawn from a point on the Michigan-Wisconsin boundary line due west of the westerly terminus of River road in Muskegon county; thence due east to the westerly terminus of River road; thence north and east along the center line of the River road to its intersection with highway M-120; thence northeasterly and easterly along the center line of highway M-120 to the junction of highway M-20; thence easterly along the center line of M-20 to its junction with US-10 at the Midland-Bay county line; thence easterly along the center line of the “business route” of highway US-10 to the intersection of Garfield road in Bay county; thence north along the center line of Garfield road to the intersection of the Pinconning road; thence east along the center line of Pinconning road to the intersection of the Seven Mile road; thence north along the center of the Seven Mile road to the Bay-Arenac county line; thence north along the center line of the Lincoln School road (county road 25) in Arenac county to the intersection of highway M-61; thence east along the center line of highway M-61 to the junction of highway US-23; thence northerly and easterly along the center line of highway US-23 to the center line of the Au Gres river; thence southerly along the center line of the river to its junction with Saginaw Bay of Lake Huron; thence north 78° east to the international boundary line between the United States and the Dominion of Canada.

**(Y) (⊕)** “Zone 3” means all of that part of the Lower Peninsula south of the line described in subdivision **(⊕) (X)**.

**(2) SUBSECTION (1)(P), (U), AND (V) DOES NOT APPLY UNLESS HOUSE JOINT RESOLUTION Z OF THE 92ND LEGISLATURE BECOMES A PART OF THE STATE CONSTITUTION OF 1963 AS PROVIDED IN SECTION 1 OF ARTICLE XII OF THE STATE CONSTITUTION OF 1963.”**

2. Amend page 2, line 17, after “STATES” by inserting a comma and “CANADA, AND PROVINCES AND TERRITORIES OF CANADA”.

The motion prevailed and the amendments were 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.

#### **Senate Bill No. 423, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16p of chapter XVII (MCL 777.16p), as amended by 2000 PA 279.

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.

By unanimous consent the House returned to the order of

#### **Messages from the Senate**

The Senate returned, in accordance with the request of the House

#### **Senate Bill No. 274, entitled**

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(The bill was enrolled on September 21, see Senate Journal No. 82, p. 1474; returned from the Senate per House request on September 21, see House Journal No. 79, p. 1739.)

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

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

#### **Third Reading of Bills**

#### **Senate Bill No. 470, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

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

**Roll Call No. 449****Yeas—99**

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

**Nays—5**

Baxter	Gosselin	Hoogendyk	Hune
Drolet			

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 revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; 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.

**Senate Bill No. 548, entitled**

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending section 7 (MCL 28.297), as added by 1997 PA 99.

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

**Roll Call No. 450****Yeas—100**

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

**Nays—4**

Baxter	Drolet	Gosselin	Sheen
--------	--------	----------	-------

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

The motion prevailed.

Rep. Tobocman entered the House Chambers.

**Senate Bill No. 549, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

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

**Roll Call No. 451****Yeas—101**

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

**Nays—3**

Baxter	Gosselin	Sheen
--------	----------	-------

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 provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”

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.

**Senate Bill No. 550, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

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

**Roll Call No. 452****Yeas—101**

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

**Nays—3**

Baxter	Gosselin	Sheen
--------	----------	-------

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, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain 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.



By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. Mortimer, Ball, Brandenburg, Byrnes, Casperson, Caul, Clack, Cushingberry, Espinoza, Gaffney, Gleason, Gosselin, Hansen, Hildenbrand, Huizenga, Jones, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Marleau, Mayes, Meyer, Nitz, Nofs, Palsrok, Pavlov, Schuitmaker, Alma Smith, Stahl, Stakoe, Taub, Vander Veen and Waters offered the following resolution:

**House Resolution No. 131.**

A resolution to memorialize the Congress of the United States to provide full funding for the Specialty Crop Competitiveness Act.

Whereas, More than 250 specialty crops, including fruits, vegetables, and nuts, are produced throughout the United States annually. Ten of Michigan's top 20 cash commodities in 2003 were specialty crops, including potatoes, apples, blueberries, and cherries. Michigan currently ranks in the top three in the nation in the production of 24 specialty crops; and

Whereas, A secure domestic food supply is important to national security. A competitive specialty crop industry provides an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops that are vital to the health and well-being of Americans. Maintaining Michigan's and the nation's agricultural competitiveness ensures economic well-being; and

Whereas, In 2004, Congress passed the Specialty Crop Competitiveness Act to authorize \$54.5 million annually for five years to enhance the competitiveness of domestically grown specialty crops. This act does not subsidize specialty crops, but instead creates a block grant program devoted to production-related research, commodity promotion, and food safety. The United States House of Representatives has recently authorized \$7 million to fund the Specialty Crop Competitiveness Act for the next fiscal year. However, the United States Senate has not provided any funding. The Senate is expected to address the Agriculture Appropriations Bill in the near future; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide full funding for the Specialty Crop Competitiveness Act; and be it further

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

The resolution was referred to the Committee on Agriculture.

Reps. Hansen, Accavitti, Acciavatti, Anderson, Ball, Bieda, Brandenburg, Byrnes, Casperson, Caul, Clack, Cushingberry, Espinoza, Farrah, Gaffney, Gleason, Gosselin, Green, Hildenbrand, Huizenga, Jones, Kooiman, LaJoy, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Marleau, Mayes, Meyer, Miller, Mortimer, Nitz, Nofs, Palsrok, Pavlov, Pearce, Phillips, Plakas, Proos, Rocca, Schuitmaker, Alma Smith, Stahl, Stakoe, Taub, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

**House Resolution No. 132.**

A resolution to memorialize the United States Congress to give preference to goods and services provided by American companies for the rebuilding efforts following Hurricane Katrina.

Whereas, Hurricane Katrina has inflicted terrible damage to New Orleans as well as to large areas of Louisiana, Mississippi, and Alabama. The tragedy has moved Americans to donate money, goods, and services in unprecedented amounts to the people devastated by this storm. The outpouring of care for the victims of Katrina by people from across our country has reassured the people of the afflicted states that they will not be alone in recovering their lives; and

Whereas, Reflecting the concern and generosity of the public, the federal government and Congress have pledged to rebuild much of what was devastated. Local resources are clearly insufficient to cope with the magnitude of the destruction and so this will be a national response to an American disaster. Bolstered by the support of an entire nation, the people of Louisiana, Mississippi, and Alabama will be able to stride forward confident that their hard work will lead to a better future; and

Whereas, The monetary resources necessary to rebuild shattered levees and lives seem staggering. But we are a great country with resources to match our compassion. Yet in our eagerness to help now, we must carefully allocate the resources to make sure that American goods and services are used to rebuild the hurricane-devastated regions. If we ignore the economic needs of the rest of the country by failing to draw on the nation's companies for the repair and recovery, we will inflict unneeded damage on the regions of our country that escaped the winds and floodwaters; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to give preference to goods and services provided by American companies for the rebuilding efforts following Hurricane Katrina; and be it further

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

The resolution was referred to the Committee on Government Operations.

Reps. Gaffney, Rocca, Mortimer, Kahn, David Law, Gonzales, Whitmer, Garfield, Bieda, Cushingberry, Murphy, Hopgood, Condino, Byrum, Dillon, Clack, Sak, Drolet, Gosselin, Hildenbrand, McConico, Hood, Hunter, Tobocman, Plakas, Phillips, Kooiman, Moolenaar, Robertson, Lemmons, Jr., Mayes, Virgil Smith, Taub, Alma Smith, Leland, Wojno, Williams, Ward, Waters, Cheeks and Lemmons, III offered the following resolution:

**House Resolution No. 133.**

A resolution honoring EDS upon the occasion of its 20th anniversary of conducting business in the state of Michigan.

Whereas, It is with deep appreciation of the significance of this milestone that we commend the executives, management, and employees of EDS as they mark the 20th anniversary of the expansion of this exemplary business into Michigan. As the largest technology employer in the state, we are proud to recognize the important role that this enterprise has played in contributing to both the economic well-being of the state and the lives of countless citizens; and

Whereas, Since coming to Michigan, EDS has established strong partnerships with private industry, and state and local governments, to become a vital element in helping Michigan grow and adapt to needs in commerce and all aspects of life in the state. EDS has strengthened Michigan's communities by establishing a strong corporate presence in the city of Detroit with 1,400 employees in Tower 500 of the GM Renaissance Center, the Virtual Reality Center in Troy, the newly established and industry leading EDS Agility Alliance Development Center in Auburn Hills, as well as solution, data and call centers in Lansing and throughout our state serving both Michigan and non-Michigan customers; and

Whereas, By providing a broad range of business and IT solutions, EDS has helped numerous clients in the automotive, manufacturing, health care, communications, energy, transportation, consumer, retail and government sectors. This success in maintaining competitiveness during an era of many challenges is the direct result of the commitment of the highly skilled and dedicated individuals of this company and their ability to work together to offer the best in products and services over the years; and

Whereas, Through serving premier local clients, more EDS employees call Michigan home than any other location in the world; and

Whereas, The true success of a company is not simply measured in dollars. The EDS Foundation manages the company's charitable contributions by following its mission: "Giving in order ensure that information technology promotes cultural and civic change, enriches the education of current and future generations, and enhances communities." There are no finer examples than the JASON Project, Cornerstone Schools and technology grants which give schools the opportunity to enhance exposure and training in technology for students and teachers alike; and

Whereas, In looking back over 20 years of EDS' history in Michigan, it is clear that this business has set its course with a continuing look to the future. While the changes of the marketplace dictate many of the decisions for any good company, EDS has also demonstrated the importance of looking beyond the balance sheet alone to include the ideas of its people and the role of the company in community life in making choices. We are grateful for all that EDS has contributed to Michigan as well as heartened by the strength that Michiganders have brought to EDS; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor EDS upon the occasion of its 20th anniversary of business in the great state of Michigan. We salute EDS on this happy occasion and wish them well in the years to come; and be it further

Resolved, That a copy of this resolution be transmitted to EDS as a token of our esteem.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

### Reports of Standing Committees

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 719, entitled**

A bill to amend 1972 PA 299, entitled "An act to provide for the assessment, collection and disposition of the costs of regulation of public utilities," by amending section 1 (MCL 460.111), as amended by 1992 PA 36.

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, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **House Resolution No. 86.**

A resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix.

(For text of resolution, see House Journal No. 51, p. 772.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

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

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Concurrent Resolution No. 24.**

A concurrent resolution to urge the United States Coast Guard to continue to operate a cutter ship out of Charlevoix.

(For text of concurrent resolution, see House Journal No. 59, p. 958.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

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

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, September 22, 2005

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

## 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, September 22, 2005

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

Absent: Reps. Garfield and Gillard

Excused: Reps. Garfield and Gillard

**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, September 22:

**House Bill Nos. 5195 5196 5197 5198 5199 5200 5201 5202 5203 5204 5205 5206 5207 5208**  
**5209**  
**Senate Bill Nos. 765 766 767 768 769 770 771**

The Clerk announced that the following Senate bills had been received on Thursday, September 22:

**Senate Bill Nos. 566 673 674**

By unanimous consent the House returned to the order of

**Messages from the Senate**

**House Bill No. 4916, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

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. 4917, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

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

The House agreed to the full title.

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

**Senate Bill No. 566, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Wayne county; to prescribe conditions for the conveyances; to prescribe certain powers and duties of certain state departments and agencies; and to provide for disposition of revenue derived from the conveyances.

The Senate has passed the bill.

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

**Senate Bill No. 673, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1536.

The Senate has passed the bill.

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

**Senate Bill No. 674, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1538 (MCL 380.1538), as added by 1988 PA 339.

The Senate has passed the bill.

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

**Introduction of Bills**

Rep. Steil introduced

**House Bill No. 5210, entitled**

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 300 (MCL 16.400).

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

Reps. Gosselin, Baxter, Schuitmaker, Marleau, Drolet, Hoogendyk, Rocca and Stahl introduced

**House Bill No. 5211, entitled**

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

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

Reps. Tobocman and Kolb introduced

**House Bill No. 5212, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Reps. Kolb and Tobocman introduced

**House Bill No. 5213, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Reps. Gaffney, Brandenburg, Virgil Smith, Leland, Lemmons, Jr., Cushingberry, Tobocman, Hunter, McConico, LaJoy, Stewart, Waters and Lemmons, III introduced

**House Bill No. 5214, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759 (MCL 168.759), as amended by 1995 PA 261.

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

Reps. Hildenbrand, Huizenga, Marleau and Baxter introduced

**House Bill No. 5215, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37e (MCL 208.37e), as added by 2003 PA 297.

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

Reps. David Law, Pavlov, Baxter and Huizenga introduced

**House Bill No. 5216, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 270 (MCL 206.270), as added by 2003 PA 295.

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

Reps. Hummel, Nitz, Pastor, Stahl, Vander Veen, Taub, Hildenbrand, Huizenga and Caswell introduced

**House Bill No. 5217, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

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

Reps. Amos, Pastor, Booher, Hansen, Steil and LaJoy introduced

**House Bill No. 5218, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 165.

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

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

The Speaker laid before the House the conference report relative to  
**Senate Bill No. 276, entitled**

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(The conference report was received from the Senate on September 21, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 79, p. 1696.)

The question being on the adoption of the conference report,

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

The motion prevailed.

### Second Reading of Bills

**House Bill No. 4737, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

The bill was read a second time.

Rep. Cushingberry 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. 4737, entitled**

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

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

### Roll Call No. 453

### Yeas—96

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Ball	Gillard	Mayes	Sheen
Bennett	Gleason	McConico	Sheltrown
Bieda	Gonzales	McDowell	Smith, Alma
Booher	Green	Meisner	Smith, Virgil
Brandenburg	Hansen	Meyer	Spade
Brown	Hildenbrand	Miller	Stahl
Byrnes	Hood	Moolenaar	Stakoe
Byrum	Hoogendyk	Moore	Steil
Casperson	Hopgood	Mortimer	Stewart
Caswell	Huizenga	Newell	Tobocman

Caul	Hummel	Nitz	Vagnozzi
Clack	Jones	Nofs	Vander Veen
Clemente	Kahn	Palmer	Walker
Condino	Kehrl	Palsrok	Ward
Cushingberry	Kolb	Pastor	Waters
DeRoche	Kooiman	Pavlov	Wenke
Dillon	LaJoy	Phillips	Whitmer
Donigan	Law, David	Plakas	Williams
Elsenheimer	Law, Kathleen	Polidori	Wojno
Emmons	Leland	Proos	Zelenko

### Nays—9

Amos	Drolet	Hune	Robertson
Angerer	Gosselin	Pearce	Taub
Baxter			

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. Palsrok moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 5094** and motion postponed for the day on September 21, see House Journal No. 79, p. 1739.

(For first notice see House Journal No. 78, p. 1692.)

The question being on the motion made previously by Rep. Palsrok,

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

Rep. Ward moved that Rule 45(c) be suspended.

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

The bill was placed on the order of Second Reading of Bills.

### Second Reading of Bills

#### House Bill No. 5094, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

The bill was read a second time.

Rep. Kolb moved to substitute (H-1) the bill.

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

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

The motion prevailed.

Rep. 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. 5094, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

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

**Roll Call No. 454**

**Yeas—101**

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

**Nays—4**

Drolet	Gosselin	Hoogendyk	Hune
--------	----------	-----------	------

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

---

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



Rep. Gonzales moved that the House adjourn.  
The motion prevailed, the time being 12:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, September 27, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

