

No. 84
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, October 5, 2005.

1:00 p.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—present	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—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—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	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. Aldo Vagnozzi, from the 37th District, offered the following invocation:

“Dear God who serves us all, guide this House of Representatives into making just and wise decisions on behalf of the people we represent.

Lead us in meeting our obligations to the various constituencies we serve, especially our senior citizens, young people, the disabled, the poor and the disadvantaged.

We also ask You to go outside our state of Michigan and help the victims of hurricanes Katrina and Rita, the victims of oppression throughout the world, especially the people facing genocide in Darfur, Sudan.

You have served us well throughout history. I know You will once again answer our prayers and meet our needs. Amen.”

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

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

Notices

Rep. Stewart, 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. 467-478. Had I been present, I would have voted ‘yea’.”

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

House Bill No. 5148, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11511b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

Rep. Donigan moved to amend the bill as follows:

1. Amend page 2, line 26, after “**LIQUID.**” by inserting “**HOWEVER, THE DEPARTMENT SHALL NOT AUTHORIZE THE ADDITION OF SEPTAGE WASTE OR OTHER LIQUID WASTE GENERATED OUTSIDE OF THIS STATE.**”.

The question being on the adoption of the amendment offered by Rep. Donigan,

Rep. Donigan demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Donigan,

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

The motion prevailed.

House Bill No. 5149, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11518 and 11701 (MCL 324.11518 and 324.11701), section 11701 as amended by 2004 PA 381.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4962, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 298c (MCL 18.1298c), as added by 1988 PA 306.

The bill was read a second time.

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

The motion prevailed.

Notices

Rep. Plakas, 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. 477-478. Had I been present, I would have voted 'yea'."

Rep. Whitmer, 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. 476-478. Had I been present, I would have voted 'yea'."

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4143, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

(The bill was received from the Senate on September 29, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 83, p. 1828.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 480**Yeas—108**

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

Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4144, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

(The bill was received from the Senate on September 29, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 83, p. 1828.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 481**Yeas—108**

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

Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4588, entitled

A bill to amend 1985 PA 87, entitled “Crime victim’s rights act,” by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding section 19a.

(The bill was received from the Senate on September 29, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 83, p. 1828.)

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

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

Roll Call No. 482**Yeas—108**

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

Donigan
Drolet

LaJoy
Law, David

Polidori
Proos

Wojno
Zelenko

Nays—0

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.

Third Reading of Bills

House Bill No. 4920, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80307, 80309, 81112, and 82105 (MCL 324.80307, 324.80309, 324.81112, and 324.82105), sections 80307, 80309, and 81112 as added by 1995 PA 58 and section 82105 as amended by 1998 PA 297.

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

Roll Call No. 483

Yeas—108

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

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80124a, 80307, 80309, 81112, and 82105 (MCL 324.80124a, 324.80307, 324.80309, 324.81112, and 324.82105), section 80124a as added by 2003 PA 293, sections 80307, 80309, and 81112 as added by 1995 PA 58, and section 82105 as amended by 1998 PA 297.

The motion prevailed.

The House agreed to the title as amended.

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

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

House Bill No. 5200, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

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

Roll Call No. 484

Yeas—108

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

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 reimburse certain expenses; 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.

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

Roll Call No. 485**Yeas—108**

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

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 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 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.

Second Reading of Bills

House Bill No. 4577, entitled

A bill to amend 1977 PA 72, entitled "The medicaid false claim act," (MCL 400.601 to 400.613) by adding sections 10a, 10b, and 10c.

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. Kahn moved to amend the bill as follows:

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

"TITLE

An act to prohibit fraud in the obtaining of benefits or payments in connection with the medical assistance program; to prohibit kickbacks or bribes in connection with the program; to prohibit conspiracies in obtaining benefits or payments; to authorize the attorney general to investigate alleged violations of this act; to provide for the appointment of investigators by the attorney general; to ratify prior appointments of attorney general investigators; to provide for civil actions to recover money received by reason of fraudulent conduct; to provide for receiverships of residential health care facilities; **TO PROHIBIT RETALIATION; TO PROVIDE FOR CERTAIN CIVIL FINES;** and to prescribe **REMEDIES AND** penalties."

2. Amend page 7, line 6, after "**DEFENDANT**" by striking out the balance of the subsection and inserting "**ACTUAL AND REASONABLE ATTORNEY FEES AND EXPENSES AND, IN ADDITION, SHALL IMPOSE A CIVIL FINE OF NOT MORE THAN \$10,000.00. THE CIVIL FINE SHALL BE DEPOSITED INTO THE MICHIGAN MEDICAID BENEFITS TRUST FUND ESTABLISHED IN SECTION 5 OF THE MICHIGAN TRUST FUND ACT, 2000 PA 489, MCL 12.255.**"

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

Rep. David Law 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. 4577, entitled

A bill to amend 1977 PA 72, entitled "The medicaid false claim act," (MCL 400.601 to 400.613) by adding sections 10a, 10b, and 10c.

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

House Bill No. 4849, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2002 PA 42, and by adding section 2512d.

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

The substitute (H-1) 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.

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. 4849, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2002 PA 42, and by adding section 2512d.

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

Roll Call No. 486

Yeas—105

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

Nays—3

Drolet	Lipsey	Sheltrown
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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.

Second Reading of Bills

House Bill No. 4850, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

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

The substitute (H-1) 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.

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. 4850, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

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

Roll Call No. 487

Yeas—107

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

Nays—1

Drolet

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. Anderson, Stewart, Kolb, Lipsey, Kooiman, Meyer, Vander Veen, Adamini, Brown, Tobocman, Farrah, Pastor, Kathleen Law, Brandenburg, Condino, Vagnozzi, Taub, Accavitti, Gleason, Nofs, Ward, Van Regenmorter, Sak, Stahl,

Huizenga, Farhat, Dillon, Ball, Baxter, Booher, Caul, Clemente, Cushingberry, Elsenheimer, Espinoza, Gonzales, Hansen, Kahn, Kehrl, Leland, Marleau, Mayes, Moore, Mortimer, Pearce and Polidori were named co-sponsors of the bill.

Second Reading of Bills

The House returned to the consideration of

House Bill No. 4962, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 298c (MCL 18.1298c), as added by 1988 PA 306.

(The bill was considered earlier today, see today's Journal, p. 1835.)

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 2, following line 23, by inserting:

"(I) WHEN SUFFICIENT FUNDS ARE RECEIVED TO MEET THE COSTS OF PLACEMENT, PLACE A PLAQUE HONORING THE FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES AND ARTICLE I OF THE STATE CONSTITUTION OF 1963 THAT IS DONATED BY THE AMERICAN CIVIL LIBERTIES UNION, THE MICHIGAN PRESS ASSOCIATION, THE MICHIGAN ASSOCIATION OF BROADCASTERS, LEAGUE OF WOMEN VOTERS, THE THOMAS JEFFERSON CENTER FOR THE PROTECTION OF FREE EXPRESSION, THE AMERICAN LIBRARIES ASSOCIATION, THE AMERICAN BOOKSELLERS FOUNDATION FOR FREE EXPRESSION, REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS, OR OTHER ORGANIZATION WITH A SIMILAR HISTORY OF SUPPORTING AND ADVOCATING FOR FIRST AMENDMENT RIGHTS. THE PLAQUE WILL BE SUBJECT TO REVIEW BY THE CAPITOL PARK COMMISSION PRIOR TO PLACEMENT AND SHOULD BE OF REASONABLE SIZE, QUALITY, CONSTRUCTION, AND NONPARTISAN IN NATURE. THE CAPITOL PARK COMMISSION'S APPROVAL SHALL BE NOT UNREASONABLY WITHHELD, DELAYED, OR DENIED.

(J) WHEN SUFFICIENT FUNDS ARE RECEIVED TO MEET THE COSTS OF PLACEMENT, PLACE A PLAQUE, APPROVED BY THE CAPITOL PARK COMMISSION HONORING THE 13TH, THE 14TH, THE 15TH, OR ANY OTHER OR COMBINATION OF OTHER AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES OR ARTICLE I OF THE STATE CONSTITUTION OF 1963, DONATED BY ANY PERSON OR ORGANIZATION. ANY SUCH PLAQUE WILL BE SUBJECT TO REVIEW BY THE CAPITOL PARK COMMISSION PRIOR TO PLACEMENT AND SHOULD BE OF REASONABLE SIZE, QUALITY, CONSTRUCTION, AND NONPARTISAN IN NATURE. THE CAPITOL PARK COMMISSION'S APPROVAL SHALL BE NOT UNREASONABLY WITHHELD, DELAYED, OR DENIED." and relettering the remaining subdivision.

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

Rep. Drolet 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. 4962, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 298c (MCL 18.1298c), as added by 1988 PA 306.

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

Roll Call No. 488

Yeas—108

Accavitti
Acciavatti
Adamini

Elsenheimer
Emmons
Espinoza

Law, Kathleen
Leland
Lemmons, III

Robertson
Rocca
Sak

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

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5148, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11511b.

(The bill was considered earlier today, see today’s Journal, p. 1834.)

The question being on the adoption of the amendment offered previously by Rep. Donigan,

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

The motion prevailed.

Rep. Pavlov moved to amend the bill as follows:

1. Amend page 2, line 26, after “**LIQUID.**” by inserting “**THE DEPARTMENT MAY SET AS A CONDITION, THAT THE SEPTAGE WASTE, OR ANY OTHER LIQUID WASTE, ADDED TO AN RDDP ORIGINATE WITHIN THE COUNTY THE RDDP IS LOCATED AND ANY COUNTY CONTIGUOUS TO THE COUNTY THE RDDP IS LOCATED.**”.

The question being on the adoption of the amendment offered by Rep. Pavlov,

Rep. Pavlov demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Pavlov,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 489**Yeas—108**

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

Nays—0

In The Chair: Kooiman

The question being on the adoption of the amendment offered previously by Rep. Donigan,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Rep. Ward moved that **House Bill No. 5149** be placed on its immediate passage.

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

House Bill No. 5149, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11518 and 11701 (MCL 324.11518 and 324.11701), section 11701 as amended by 2004 PA 381.

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

Roll Call No. 490**Yeas—108**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak

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

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 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 11701, 11702, and 11715b (MCL 324.11701, 324.11702, and 324.11715b), sections 11701 and 11702 as amended and section 11715b as added by 2004 PA 381.

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. 4577, entitled

A bill to amend 1977 PA 72, entitled “The medicaid false claim act,” (MCL 400.601 to 400.613) by adding sections 10a, 10b, and 10c.

(The bill was considered earlier today, see today’s Journal p. 1841.)

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. 491**Yeas—106**

Accavitti	Emmons	Lemmons, III	Rocca
Acciavatti	Espinoza	Lemmons, Jr.	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayes	Sheen
Angerer	Gillard	McConico	Sheltrown

Ball	Gleason	McDowell	Smith, Alma
Baxter	Gonzales	Meisner	Smith, Virgil
Bennett	Gosselin	Meyer	Spade
Bieda	Green	Miller	Stahl
Booher	Hansen	Moolenaar	Stakoe
Brandenburg	Hildenbrand	Moore	Steil
Brown	Hood	Mortimer	Stewart
Byrnes	Hoogendyk	Murphy	Taub
Byrum	Hopgood	Newell	Tobocman
Casperson	Huizenga	Nitz	Vagnozzi
Caul	Hune	Nofs	Van Regenmorter
Cheeks	Hunter	Palmer	Vander Veen
Clack	Jones	Palsrok	Walker
Clemente	Kahn	Pastor	Ward
Condino	Kehrl	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Plakas	Whitmer
Dillon	LaJoy	Polidori	Williams
Donigan	Law, David	Proos	Wojno
Drolet	Law, Kathleen	Robertson	Zelenko
Elsenheimer	Leland		

Nays—2

Caswell

Hummel

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 1977 PA 72, entitled “The medicaid false claim act,” by amending the title and section 11 (MCL 400.611), the title as amended by 1982 PA 518, and by adding sections 10a, 10b, and 10c.

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.

Second Reading of Bills

House Bill No. 5100, entitled

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

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. Spade moved to amend the bill as follows:

1. Amend page 2, line 10, by striking out all of subdivision (D) and relettering the remaining subdivisions.
2. Amend page 2, line 17, by striking out all of subdivision (G) and inserting:

“(G) “INJURED FEDERAL DISASTER RELIEF WORKER” MEANS A PERSON, WHETHER PAID OR VOLUNTEER, WHO IS SEVERELY INJURED OR INCAPACITATED WHILE PROVIDING ASSISTANCE DURING A HURRICANE OR OTHER FEDERAL DISASTER RELIEF EFFORT, WHICH INJURY OR INCAPACITY RESULTS IN A LENGTHY HOSPITAL STAY.

(H) “LAWYER-GUARDIAN AD LITEM” MEANS AN ATTORNEY APPOINTED UNDER SECTION 4. A LAWYER-GUARDIAN AD LITEM REPRESENTS THE CHILD, AND HAS THE POWERS AND DUTIES, AS SET FORTH IN SECTION 4.

(I) “MILITARY SERVICE” MEANS WHEN A RESERVE UNIT MEMBER OR NATIONAL GUARD UNIT MEMBER IS CALLED INTO ACTIVE MILITARY DUTY.” and relettering the remaining subdivisions.

3. Amend page 3, line 8, after **“SERVICE”** by inserting **“OR HOSPITALIZED AS AN INJURED FEDERAL DISASTER RELIEF WORKER”**.

4. Amend page 3, line 9, after **“SERVICE”** by inserting **“OR FEDERAL DISASTER RELIEF SERVICE”**.

5. Amend page 5, line 13, after **“SERVICE”** by inserting **“OR HOSPITALIZED AS AN INJURED FEDERAL DISASTER RELIEF WORKER”**.

6. Amend page 5, line 14, after **“SERVICE”** by inserting **“OR FEDERAL DISASTER RELIEF SERVICE”**.

The question being on the adoption of the amendments offered by Rep. Spade,

Rep. Spade demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Spade,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 492

Yeas—55

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

Nays—35

Acciavatti	Emmons	Moolenaar	Shaffer
Amos	Gaffney	Newell	Sheen
Ball	Gosselin	Nofs	Stakoe
Baxter	Hoogendyk	Palmer	Steil
Casperson	Hummel	Palsrok	Stewart
Caswell	Hune	Pastor	Van Regenmorter
Caul	Jones	Pavlov	Walker
Drolet	Kooiman	Proos	Ward
Elsenheimer	Meyer	Robertson	

In The Chair: Kooiman

Rep. Jones moved to amend the bill as follows:

1. Amend page 2, line 10, after **“(D)”** by striking out **““MILITARY SERVICE””** and inserting **““ACTIVE MILITARY DUTY””**.

2. Amend page 3, line 1, by striking out all of section 5.

3. Amend page 5, line 12, after **“considered.”** by striking out the balance of the subdivision and inserting **“IF A MOTION FOR CHANGE OF CUSTODY IS FILED DURING THE TIME A PARENT IS IN ACTIVE**

MILITARY DUTY, THE COURT SHALL NOT ENTER AN ORDER MODIFYING OR AMENDING A PREVIOUS JUDGMENT OR ORDER, OR ISSUE A NEW ORDER, THAT CHANGES THE CHILD'S PLACEMENT THAT EXISTED ON THE DATE THE PARENT WAS CALLED TO ACTIVE MILITARY DUTY UNLESS THERE IS CLEAR AND CONVINCING EVIDENCE THAT IT IS THE BEST INTEREST OF THE CHILD. IN MAKING THIS BEST INTEREST OF THE CHILD DETERMINATION, THE COURT SHALL NOT CONSIDER A PARENT'S ABSENCE DUE TO ACTIVE MILITARY DUTY IN FAVOR OF OR AGAINST EITHER PARTY."

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

Rep. Jones 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. 5100, entitled

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

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

Roll Call No. 493

Yeas—108

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

Nays—0

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 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7 (MCL 722.22 and 722.27), section 2 as amended by 2004 PA 542 and section 7 as amended by 2001 PA 108.

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.

Reps. McConico, Anderson, Stewart, Kolb, Lipsey, Kooiman, Meyer, Hummel, Vander Veen, Williams, Adamini, Brown, Gaffney, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Brandenburg, Bieda, Wojno, Clack, Condino, Vagnozzi, Taub, Accavitti, Amos, Hune, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Emmons, Steil, Sak, Nitz, Stahl, Sheen, Farhat, Moolenaar, Palsrok, Walker, Gillard, Casperson, Angerer, Ball, Baxter, Bennett, Caul, Clemente, Elsenheimer, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Kahn, Kehrl, David Law, Lemmons, III, Lemmons, Jr., Marleau, Mayes, McDowell, Miller, Moore, Mortimer, Palmer, Pearce, Polidori, Proos, Rocca, Sheltroun, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 29, for her approval of the following bills:

Enrolled House Bill No. 4865 at 1:27 p.m.

Enrolled House Bill No. 4866 at 1:29 p.m.

Enrolled House Bill No. 4887 at 4:05 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, September 30:

**House Bill Nos. 5242 5243 5244 5245 5246 5247 5248 5249 5250 5251 5252 5253 5254 5255
5256**

Senate Bill Nos. 782 783 784 785 786 787 788

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

Enrolled House Bill No. 4673 at 10:50 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, October 5:

Senate Bill Nos. 789 790 798

Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, Lansing, September 30, 2005

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48909

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4831**, which contains fiscal year 2006 appropriations for Community Colleges, Higher Education, and the departments of Community Health, Corrections, Education, Environmental Quality and Natural Resources. I am, however, returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19 of the Michigan Constitution of 1963. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State.

I have vetoed funding for the Michigan youth correctional facility, along with five related language sections, because this costly facility is not needed (Article 4 of the bill). This facility was originally constructed to house violent young offenders but the need for a separate facility for this purpose has never materialized. As the Legislative Auditor General has pointed out, far less expensive prison beds can be used to house young offenders at great savings to the taxpayers of the state.

I have vetoed a grant to the Legislative Council (Article 4 of the bill), which is intended to pay for a sole source contract, managed by the Auditor General, using financial resources appropriated to the Department of Corrections.

My action vetoes \$350,000 in funding for training services and district-level reports contained in Section 1001 (Article 5 of the bill). The section is written so as to clearly earmark the contract for the reporting service to a specific private sector vendor. During these tight budget times, we must be especially vigilant when appropriating scarce general fund dollars. I encourage the Department of Education to identify other ways to assist local school districts with these efforts.

My action today also vetoes funding for Little Black Creek and White Lake, Muskegon County nutrient study (Article 6 of the bill) because those cleanup projects should be considered through the regular site assessment process.

Lastly, I believe that two language sections contained in Article 6 of the bill (Sections 801 and 903) are unenforceable because they attempt to amend the Public Act 451 of 1994 by reference.

I thank the Legislature for its work on this important, multi-agency budget bill.

Sincerely,
Jennifer M. Granholm
Governor

The bill was signed by the Governor September 30, 2005, at 8:25 a.m.

The bill was filed with the Secretary of State September 30, 2005, at 1:58 p.m. and assigned Public Act No. 154, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

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

The motion prevailed.

The following line item veto message from the Governor was received and read:

Executive Office, Lansing, September 30, 2005

Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4887**, the school aid budget for fiscal year 2006. However, I am returning it to you because of one item of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific veto is contained in the attached copy of the bill, which has been filed with the Secretary of State.

Enrolled House Bill 4887 appropriates nearly \$12.8 billion for fiscal year 2006 to support K-12 education in Michigan - \$11.4 billion in state funds and \$1.4 billion in federal funds. This represents an increase of \$290.3 million, or 2.3%, over fiscal year 2005 spending.

This budget demonstrates that education remains Michigan's top priority. We have increased the minimum per-pupil foundation allowance for school operating purposes by \$175 per pupil to \$6,875. We have maintained state funding for academically at-risk children at \$314.2 million, school readiness preschool grants at \$72.8 million, and have continued our commitment to early literacy programs by appropriating \$3.3 million for Great Parents, Great Start. This budget also provides over \$950 million in state funding for special education programs.

The bill contains a new provision appropriating an amount not to exceed \$250,000 to establish a lending library at Central Michigan University to provide special needs assessment tools to districts and ISDs. I have directed the department to assess whether the program will be beneficial to districts, and if so, determine the appropriate level of funding needed to implement it.

I have vetoed \$250,000 in state funds for the administration of the Freedom to Learn Program and for the creation of an independent institute at Ferris State University. The department has indicated that administrative costs can be covered with federal funds and/or with funding from Ferris State University; therefore, I am vetoing the state funds in this section.

I thank the Legislature for their hard work on behalf of Michigan's children.

Sincerely,
Jennifer M. Granholm
Governor

The bill was signed by the Governor September 30, 2005, at 7:50 a.m.
 The bill was filed with the Secretary of State September 30, 2005, at 2:00 p.m. and assigned Public Act No. 155, I.E.
 The question being on the passage of the disapproved item, the objections of the Governor to the contrary notwithstanding,

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

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

The House returned to the consideration of
House Bill No. 5148, entitled
 A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11511b.
 (The bill was considered earlier today, see today’s Journal, p. 1845.)
 The question being on the adoption of the amendment offered previously by Rep. Donigan,
 The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 494

Yeas—52

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

Nays—28

Amos	Farhat	LaJoy	Pearce
Ball	Hansen	Meyer	Proos
Baxter	Hildenbrand	Moolenaar	Robertson
Booher	Hummel	Mortimer	Rocca
Caswell	Hune	Palsrok	Schuitmaker
Caul	Kahn	Pastor	Walker
Elsenheimer	Kooiman	Pavlov	Ward

In The Chair: Kooiman

Rep. Pavlov 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. 5148, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11511b.

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

Roll Call No. 495

Yeas—108

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

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

Rep. Ward moved that when the House adjourns today it stand adjourned until Thursday, October 6, at 10:00 a.m.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Sak, Accavitti, Adamini, Anderson, Angerer, Bennett, Bieda, Brandenburg, Brown, Byrum, Caswell, Clack, Clemente, Condino, Elsenheimer, Farrah, Gonzales, Green, Hildenbrand, Hopgood, Kahn, Kehrl, Kolb, Kooiman, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McDowell, Meisner, Meyer, Miller, Murphy, Nofs, Palmer, Palsrok, Pearce, Plakas, Polidori, Proos, Rocca, Sheltroun, Spade, Steil, Taub, Tobocman, Waters, Wojno, Zelenko and Dillon offered the following resolution:

House Resolution No. 137.

A resolution recognizing October 2005 as Polish Heritage Month in the state of Michigan.

Whereas, The first Polish immigrants to North America were among the settlers of Jamestown, Virginia, in the 17th century; and

Whereas, Kazimierz Pulaski, Tadeusz Kosciuszko, and other Polish people came to the British Colonies in America to fight in the Revolutionary War and risk their lives and fortunes for the creation of the United States; and

Whereas, For over three hundred years, the Polish people, and their American descendants, have shared their traditional customs, thousand-year-old culture, and strong devotion to democracy with us; and

Whereas, Polish people, and the American descendants, have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States; and

Whereas, The Polish Constitution of May 3, 1791, was directly modeled on the Constitution of the United States and recognized as the second written constitution in history. It is revered by Polish people and Americans of Polish descent; and

Whereas, We know and respect the indomitable spirit and loyal civic involvement of the Polish American people and Pole immigrants. They are Revolutionary War heroes and Nobel Peace Prize winners; and

Whereas, Polish people and their American descendants, continue to take great pride in, and honor the achievements of, the greatest son of Poland, his Holiness Pope John Paul, II; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize October 2005 as Polish Heritage Month in the state of Michigan.

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 Tax Policy, by Rep. Sheen, Chair, reported

Senate Bill No. 501, entitled

A bill to amend 1999 PA 123, entitled "An act to amend 1893 PA 206, entitled "The general property tax act," by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts," by repealing enacting section 5; and to repeal acts and parts of acts.

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. Sheen, Meyer, Gosselin, Newell, Hoogendyk, Jones, Marleau, Condino, Bieda, Farrah, Miller, Meisner and Bennett

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheen, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, October 5, 2005

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Jones, Marleau, Condino, Bieda, Farrah, Miller, Meisner and Bennett

Absent: Reps. Stakoe and Zelenko

Excused: Reps. Stakoe and Zelenko

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

House Bill No. 4798, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5023, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5054, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

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

1. Amend page 3, line 5, after "**RESCUE**" by inserting "**OPERATION**".

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5135, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 12, 13, and 20a of chapter VIII, sections 10, 11, and 12 of chapter IX, and section 3 of chapter XI (MCL 768.12, 768.13, 768.20a, 769.10, 769.11, 769.12, and 771.3), section 20a of chapter VIII as amended by 1983 PA 42, sections 10, 11, and 12 of chapter IX as amended by 1998 PA 317, and section 3 of chapter XI as amended by 2004 PA 330; and to repeal acts and parts of acts.

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

Nays: None

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

House Bill No. 5145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

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

1. Amend page 4, following line 8, by inserting:

"Enacting section 1. This amendatory act takes effect February 1, 2006."

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 134, entitled

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

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

1. Amend page 4, following line 3, by inserting:

"Enacting section 2. This amendatory act takes effect February 1, 2006." and renumbering the remaining enacting section.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 5, 2005

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

Absent: Rep. McConico

Excused: Rep. McConico

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, October 5, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Garfield

Excused: Rep. Garfield

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 5, 2005

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

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:

House Bill No. 5254 referred to the Committee on Health Policy.

Messages from the Governor

Date: September 28, 2005
Time: 10:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4932 (Public Act No. 127, I.E.), being

An act to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” 237, and by adding headings for articles I and II and by adding article III.

(Filed with the Secretary of State September 29, 2005, at 9:44 a.m.)

Date: September 28, 2005
Time: 10:49 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4402 (Public Act No. 129, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” and by adding section 1230c.

(Filed with the Secretary of State September 29, 2005, at 9:48 a.m.)

Date: September 28, 2005
Time: 10:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4928 (Public Act No. 130, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51, and by adding sections 1230f and 1230g.

(Filed with the Secretary of State September 29, 2005, at 9:50 a.m.)

Date: September 28, 2005
Time: 10:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4930 (Public Act No. 131, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to

provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1230d.

(Filed with the Secretary of State September 29, 2005, at 9:52 a.m.)

Date: September 28, 2005

Time: 10:57 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4934 (Public Act No. 132, I.E.), being

An act to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

(Filed with the Secretary of State September 29, 2005, at 9:54 a.m.)

Date: September 28, 2005

Time: 10:59 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4936 (Public Act No. 133, I.E.), being

An act to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by adding sections 5c, 5d, and 5e.

(Filed with the Secretary of State September 29, 2005, at 9:56 a.m.)

Date: September 28, 2005

Time: 11:01 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4958 (Public Act No. 134, I.E.), being

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 15g of chapter XVII (MCL 777.15g), as added by 2002 PA 206.

(Filed with the Secretary of State September 29, 2005, at 9:58 a.m.)

Date: September 28, 2005
Time: 11:03 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4937 (Public Act No. 135, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

(Filed with the Secretary of State September 29, 2005, at 10:00 a.m.)

Date: September 28, 2005
Time: 11:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4991 (Public Act No. 136, I.E.), being

An act to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” 1993 PA 60.

(Filed with the Secretary of State September 29, 2005, at 10:02 a.m.)

Date: September 29, 2005
Time: 10:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4469 (Public Act No. 140, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 10104 (MCL 333.10104), as amended by 2003 PA 62.

(Filed with the Secretary of State September 29, 2005, at 3:51 p.m.)

Date: September 29, 2005
Time: 10:52 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4082 (Public Act No. 141, I.E.), being

An act to amend 1949 PA 300, entitled “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,” by amending sections 310, 806, 809, and 810b (MCL 257.310, 257.806, 257.809, and 257.810b), section 310 as amended by 2004 PA 495, section 806 as amended by 2003 PA 152, section 809 as amended by 1987 PA 238, and section 810b as amended by 2004 PA 52.

(Filed with the Secretary of State September 29, 2005, at 3:53 p.m.)

Date: September 29, 2005
Time: 10:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4470 (Public Act No. 142, I.E.), being

An act to amend 1949 PA 300, entitled “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,” by amending sections 303, 307, and 812 (MCL 257.303, 257.307, and 812), and repeal acts and parts of acts.

(Filed with the Secretary of State September 29, 2005, at 3:55 p.m.)

Date: September 29, 2005
Time: 11:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4803 (Public Act No. 144, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

(Filed with the Secretary of State September 29, 2005, at 3:59 p.m.)

Date: September 30, 2005
Time: 7:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4306 (Public Act No. 150, I.E.), being

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6 and 17b (MCL 388.1606 and 388.1617b), section 6 as amended by 2004 PA 351 and section 17b as amended by 2000 PA 297.

(Filed with the Secretary of State September 30, 2005, at 10:30 a.m.)

Date: September 30, 2005
Time: 7:39 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4963 (Public Act No. 152, I.E.), being

An act to amend 2000 PA 77, entitled, “An act to amend 1949 PA 300, entitled, “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 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,” by amending sections 625, 803l, 804, and 904 (MCL 257.625, 257.803l, 257.804, and 257.904), sections 625 and 904 as amended by 1999 PA 73, 803l as amended by 1998 PA 68, and section 804 as amended by 1995 PA 129, and by adding sections 6d, 17b, 30b, 811d, 811e, 811f, 811g, and 811h; and to repeal acts and parts of acts,” by repealing enacting section 1.

(Filed with the Secretary of State September 30, 2005, at 10:34 a.m.)

Date: October 4, 2005
Time: 7:37 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4996 (Public Act No. 161, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 16625 (MCL 333.16625), as amended by 1991 PA 58.

(Filed with the Secretary of State October 4, 2005, at 10:00 a.m.)

Date: October 4, 2005
Time: 7:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4484 (Public Act No. 162, I.E.), being

An act to amend 1987 PA 96, entitled “An act to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 30i (MCL 125.2330i), as added by 2003 PA 44.

(Filed with the Secretary of State October 4, 2005, at 10:02 a.m.)

Communications from State Officers

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

September 30, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Selected Activities Within the Problem Resolution Process, at the
Department of Civil Rights
September 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. Ball, Schuitmaker, Kahn, Rocca, Acciavatti and LaJoy introduced

House Bill No. 5257, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 78 (MCL 41.78), as amended by 1989 PA 77.

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

Reps. Caul, Moolenaar, Booher, Proos, Baxter, Stewart, Miller, Vander Veen, Green, Ball, Palsrok, Tobocman, Shaffer and Casperson introduced

House Bill No. 5258, entitled

A bill to amend 1981 PA 230, entitled “Michigan economic and social opportunity act of 1981,” by repealing section 16 (MCL 400.1116).

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

Reps. Casperson, LaJoy, Marleau, Nitz, Moore, Meyer, Gosselin, Gleason, David Law, Wenke, Murphy, Gaffney, Huizenga, Nofs, Mayes, Robertson, Hune, Hildenbrand, Stakoe, Stahl, Pearce, Hoogendyk, Pastor, Vander Veen, Farhat, Baxter, Farrah, Palsrok, Elsenheimer and Accavitti introduced

House Bill No. 5259, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

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

Rep. Farrah moved that the House adjourn.
The motion prevailed, the time being 3:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 6, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

