

No. 86
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, October 11, 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. John M. Proos, IV, from the 79th District, offered the following invocation:

“Heavenly Father, we, the elected representatives, staff and residents of the Great State of Michigan come before You with humble and contrite hearts. Together, with one voice, we give thanks to You for the abundant blessings that You have bestowed upon our families, our communities, our state, our nation and our world.

Paul in his letter to the Thessalonians states (I Thess. 5:15), ‘See that no one renders evil for evil to anyone, but always pursue what is good for each other and for all.’

Help us Lord to come together as one House, one family to always pursue what is good for each other and for all.

And, in a special way, we remember the struggle of our human family in the tragedies of Pakistan, New Orleans and the many other places in our world where disasters, war and famine cause uncertainty, fear and concern.

Keep our men and women of the United States Armed forces in Your care and give us the grace and humility to hear Your word in the work that we do together today.

In Your name we pray, Amen.”

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

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

Second Reading of Bills

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.

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
Reports of Standing Committees

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

Senate Bill No. 480, entitled

A bill to amend 1984 PA 233, entitled “Prudent purchaser act,” by repealing section 10 (MCL 550.60).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Ball, Green, Kahn, Adamini, Wojno, McDowell, Gleason and Angerer

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 11, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Reps. Ward and Nofs

Excused: Reps. Ward and Nofs

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

House Bill No. 4855, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4856, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Concurrent Resolution No. 19.

A concurrent resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

(For text of concurrent resolution, see House Journal No. 74, p. 1344.)

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. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, Marleau, Pavlov and Schuitmaker

Nays: Reps. Meisner, Murphy, Bennett, Accavitti and McConico

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 11, 2005

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

Absent: Reps. David Law and Tobocman

Excused: Reps. David Law and Tobocman

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: Tuesday, October 11, 2005

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

Absent: Reps. Drolet, Garfield, Mayes and Hunter

Excused: Reps. Drolet, Garfield, Mayes and Hunter

The Speaker laid before the House

House Concurrent Resolution No. 19.

A concurrent resolution to express opposition to any new or revised administrative rules that are more stringent than federal policies and that impede economic development and job creation.

(For text of concurrent resolution, see House Journal No. 74, p. 1344.)

(The concurrent resolution was reported by the Committee on Commerce on October 11, consideration of which, under the rules, was postponed until October 12.)

Rep. Ward moved that Rule 77 be suspended.

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Hoogendyk, Gosselin, Baxter, Caswell, Green, Hildenbrand, Leland, Lemmons, III, Lemmons, Jr., Marleau, Meyer, Mortimer, Pearce, Stahl, Vagnozzi and Vander Veen offered the following resolution:

House Resolution No. 140.

A resolution to memorialize the Congress of the United States to incorporate a strategy of offsetting cuts to finance the cost of rebuilding the hurricane-damaged communities of the Gulf Coast.

Whereas, The hurricane damage inflicted on the Gulf Coast region along Louisiana, Mississippi, Texas, and Alabama represents the most damaging and costliest natural disaster in our nation's history. Estimates range as high as \$200 billion or more, and the true cost will not be certain for several years; and

Whereas, With budget deficits already burdening our nation, hard choices need to be made to ensure that the massive rebuilding task before us does not cripple our economy far into the future as a result of further debt. Our nation has on many occasions experienced the long-term damage that can result from our inability to make responsible decisions on how the public's money is spent. It is also wise to remember that this debt is incurred on behalf of our children and grandchildren; and

Whereas, Several members of Congress have developed what they call "Operation Offset" as a blueprint for making cuts in approved programs to finance the reconstruction and recovery work facing the country. This comprehensive strategy includes a wide range of specific spending items, ranging from components of the recently enacted massive transportation bill, with thousands of projects, to virtually all areas of the federal budget. Difficult times require difficult decisions and difficult sacrifices. Making these hard choices by using offsetting cuts will prevent the hurricanes of 2005 from exacting an even higher toll on our nation for years to come; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to incorporate a strategy of offsetting cuts to finance the cost of rebuilding the hurricane-damaged communities of the Gulf Coast; 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. Lemmons, III, Lemmons, Jr., Cushingberry, Miller, Gonzales, Alma Smith, Murphy, Virgil Smith, Waters, Phillips, Williams, Hunter, Accavitti, Bennett, Farrah and Leland offered the following concurrent resolution:

House Concurrent Resolution No. 23.

A concurrent resolution to memorialize the Congress of the United States and urge the President of the United States to lift the current United States embargo on Cuba and to restore full diplomatic relations with Cuba.

Whereas, The United States embargo against Cuba has increasingly created physical hardships for the people of Cuba, depriving them of much-needed food and proper medical care. Many Cuban-Americans living in the United States are concerned about the safety and well-being of their friends and relatives back in Cuba. They want the United States to end the embargo so that Cuba can achieve the economic growth and prosperity that will lift the Cuban people out of the depths of poverty; and

Whereas, By denying trade and travel with Cuba, the United States is undermining efforts to spread democracy into other nations. The United States has recently fought wars in the name of spreading democracy and trades openly with nations such as China in the hope that a free exchange of ideas and goods will promote democratic reforms; and

Whereas, The United States should adopt a more humane approach to resolving differences with Cuba by encouraging open trade and travel. Lifting the ban on United States citizens' travel to Cuba would allow persons from the two countries to learn about their differing cultures and thereby promote greater tolerance and mutual respect. Opening trade would create relationships between citizens and entrepreneurs from both countries that can have a profound effect on transforming the current political situation in Cuba for the better; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and urge the President of the United States to lift the current United States embargo on Cuba and to restore full diplomatic relations with Cuba; and be it further

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

The concurrent resolution was referred to the Committee on Government Operations.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Employment Relations, Training, and Safety from further consideration of **House Bill No. 5238**.

Rep. Ward

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Employment Relations, Training, and Safety from further consideration of **House Bill No. 5239**.

Rep. Ward

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 6, for her approval of the following bill:

Enrolled House Bill No. 5094 at 4:01 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 7:

House Bill Nos.	5260	5261	5262	5263	5264	5265	5266	5267	5268	5269	5270	5271	5272	5273
	5274	5275	5276	5277										
Senate Bill Nos.	799	800	801	802	803	804								

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 10, for her approval of the following bills:

Enrolled House Bill No. 4143 at 10:45 a.m.

Enrolled House Bill No. 4144 at 10:47 a.m.

Enrolled House Bill No. 4588 at 10:49 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, October 11:

Senate Bill Nos. 457 708 798

Messages from the Governor

Date: October 6, 2005
Time: 10:05 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4916 (Public Act No. 164, I.E.), being

An act to amend 1996 PA 376, entitled “An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials,” by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

(Filed with the Secretary of State October 6, 2005, at 11:10 a.m.)

Date: October 6, 2005
Time: 10:07 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4917 (Public Act No. 165, I.E.), being

An act to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

(Filed with the Secretary of State October 6, 2005, at 11:12 a.m.)

Date: October 6, 2005
Time: 10:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4541 (Public Act No. 166, I.E.), being

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2005 PA 97, and section 537 as amended by 2001 PA 223.

(Filed with the Secretary of State October 6, 2005, at 11:14 a.m.)

Date: October 6, 2005
Time: 10:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4673 (Public Act No. 167, I.E.), being

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 317a.

(Filed with the Secretary of State October 6, 2005, at 11:16 a.m.)

Date: October 10, 2005
Time: 10:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5094 (Public Act No. 169, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

(Filed with the Secretary of State October 10, 2005, at 10:57 a.m.)

Communications from State Officers

The following communication from the Department of Human Services was received and read:

September 28, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Approval	Luce County DHS		CP480201253
Approval	Cheboygan County DHS		CP160201035

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under “News, Publications & Information” at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

The following communication from the Department of Community Health was received and read:

September 29, 2005

The Department of Community Health provides the citizens of Michigan with a broad spectrum of diverse and essential services. Pursuant to PA 223 of 1976, we have the honor of presenting a detailed report of the activities of the Crime Victim Services Commission for Fiscal Year 2004.

It is appropriate and significant that these services are all paid for with state and federal crime victim funds. These funds are derived entirely from fines and assessments paid by convicted criminals in state and federal courts.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Clerk.

Introduction of Bills

Reps. Bieda, Alma Smith, Vagnozzi, Wojno, Condino, Gonzales, Lipsey, Spade, Steil, Amos, Gleason, Hune, Gaffney, Vander Veen, Drolet, Brandenburg, Zelenko, Leland, Phillips, McDowell, Sheen and Hood introduced

House Bill No. 5278, entitled

A bill to amend 1919 PA 339, entitled "Dog law of 1919," (MCL 287.261 to 287.290) by adding section 14a.

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

Reps. Miller, Hopgood, Vagnozzi, Lemmons, Jr., Sheltroun, Meisner, Kehrl, Bennett, Plakas, Gonzales, Polidori, Ball, Jones, Leland and Lemmons, III introduced

House Bill No. 5279, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1531g.

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

Reps. Amos, Shaffer, Booher, Caul, Jones, Stakoe, Vander Veen, Taub, Kolb, Byrnes, McDowell, Lipsey, Tobocman, Kathleen Law, Wojno, Mortimer, Leland, Elsenheimer, Wenke, Casperson, Marleau, Meyer, Brandenburg, Pastor, Farhat and Bieda introduced

House Bill No. 5280, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 14 (MCL 205.314), as amended by 1994 PA 307.

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

Reps. Gaffney, Hune, Farrah, McConico, Brandenburg, Amos, LaJoy, Drolet, Marleau and Lemmons, III introduced

House Bill No. 5281, entitled

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

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

Reps. Wenke, Byrnes, Vander Veen, Lipsey and Booher introduced

House Bill No. 5282, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 13 (MCL 388.1913).

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

Rep. Wenke introduced

House Bill No. 5283, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625 (MCL 257.625), as amended by 2004 PA 62.

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

Reps. Wenke and Gosselin introduced

House Bill No. 5284, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12f of chapter XVII (MCL 777.12f), as amended by 2003 PA 134.

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

Rep. Kolb moved that Rep. Lipsey be excused temporarily from today's session.
The motion prevailed.

Rep. Hildenbrand moved that Rep. Stewart be excused temporarily from today’s session.
The motion prevailed.

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

House Bill No. 4257, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by amending the part heading of part 361 and by adding part 363.

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

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

Rep. Gillard moved to amend the bill as follows:

1. Amend page 9, following line 23, by inserting:

“(7) NOT LESS THAN 80,000 OF THE 200,000 ACRES DESCRIBED IN SUBSECTION (6)(A) TO (E), EACH YEAR, SHALL BE FROM FARMS THAT ARE LESS THAN 500 ACRES IN SIZE AS DETERMINED BY THE STATE LAND USE AGENCY.”.

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

Rep. Gillard demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 502

Yeas—51

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

Nays—55

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Baxter	Hansen	Moore	Shaffer
Booher	Hildenbrand	Mortimer	Sheen
Brandenburg	Hoogendyk	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Taub
DeRoche	Jones	Palsrok	Van Regenmorter
Drolet	Kahn	Pastor	Vander Veen
Elsenheimer	Kooiman	Pavlov	Walker

Emmons
Farhat
Gaffney

LaJoy
Law, David
Marleau

Pearce
Proos
Robertson

Ward
Wenke

In The Chair: Kooiman

Rep. Walker moved to amend the bill as follows:

1. Amend page 9, line 17, after “**IN**” by striking out “**2006**” and inserting “**2007**”.
2. Amend page 9, line 18, after “**IN**” by striking out “**2007**” and inserting “**2008**”.
3. Amend page 9, line 19, after “**IN**” by striking out “**2008**” and inserting “**2009**”.
4. Amend page 9, line 20, after “**IN**” by striking out “**2009**” and inserting “**2010**”.
5. Amend page 9, line 21, after “**IN**” by striking out “**2010**” and inserting “**2011**”.
6. Amend page 9, line 22, after “**IN**” by striking out “**2011**” and inserting “**2012**”.

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

Rep. Walker moved to amend the bill as follows:

1. Amend page 24, line 5, after “**OR**” by inserting “**AN AMOUNT EQUAL TO**”.
2. Amend page 24, line 7, after “**CONTRACT**” by inserting “**PLUS INTEREST AT THE RATE OF 6% PER ANNUM SIMPLE INTEREST**”.
3. Amend page 24, line 9, after “**OR**” by inserting “**AN AMOUNT EQUAL TO**”.
4. Amend page 24, line 11, after “**CONTRACT**” by inserting “**PLUS INTEREST AT THE RATE OF 6% PER ANNUM SIMPLE INTEREST**”.

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

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

The motion prevailed.

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.

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. Van Regenmorter moved to amend the bill as follows:

1. Amend page 5, following line 9, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2006.”.

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

Rep. Van Regenmorter 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 Speaker laid before the House

House Bill No. 4852, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

(The bill was received from the Senate on October 6, 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. 85, p. 1879.)

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. 503**Yeas—107**

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

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. 4858, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and 257.724), section 683 as amended by 2000 PA 97, section 723 as amended by 2003 PA 152, and section 724 as amended by 2004 PA 420, and by adding section 312g; and to repeal acts and parts of acts.

(The bill was received from the Senate on October 6, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 85, p. 1879.)

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. 504**Yeas—107**

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

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.

The Speaker laid before the House

House Bill No. 4938, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," (MCL 52.201 to 52.216) by adding section 9.

(The bill was received from the Senate on October 6, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 85, p. 1879.)

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. 505**Yeas—107**

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Emmons	Leland	Sak

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

Nays—0

In The Chair: Kooiman

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

Second Reading of Bills

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.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Judiciary,

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 2, line 7, after “**LAW**” by striking out the balance of the subparagraph and inserting a period and: “(v) **REIMBURSEMENT UNDER SECTION 1F OF THIS CHAPTER.**”.

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

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

The motion prevailed.

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.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 84, p. 1856),

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

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

The motion prevailed.

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.

The bill was read a second time.

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

The motion prevailed.

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.

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

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 2, following line 5, by inserting:

“Enacting section 1. This amendatory act takes effect January 1, 2006.” and renumbering the remaining enacting section.

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

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

The motion prevailed.

Senate Bill No. 438, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending section 353c (MCL 18.1353c), as amended by 2002 PA 504.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 4789, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21794.

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. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori and Clack

Nays: Rep. Vagnozzi

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 4792, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20155 (MCL 333.20155), as amended by 2001 PA 218, and by adding section 21753.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Nays: None

The Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported

House Bill No. 5183, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20173a.

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. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Vander Veen, Chair, of the Committee on Senior Health, Security, and Retirement, was received and read:

Meeting held on: Tuesday, October 11, 2005

Present: Reps. Vander Veen, Green, Stahl, Proos, Zelenko, Polidori, Clack and Vagnozzi

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

Messages from the Senate**Senate Bill No. 457, entitled**

A bill to authorize the state administrative board to convey certain parcels of state owned property in Ionia county; to prescribe conditions for the conveyance; and to provide for disposition of revenue derived from the conveyance.

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. 708, entitled

A bill to amend 2004 PA 241, entitled "Michigan children's protection registry act," by amending section 3 (MCL 752.1063).

The Senate has passed the bill.

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

Senate Bill No. 798, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2004 PA 398.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 33.

A concurrent resolution to urge the Michigan Supreme Court to take whatever steps are necessary to maintain the status quo, with regard to same-sex benefits, that was in place prior to the September 28, 2005, 30th Circuit Court ruling in order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has reached a final adjudication.

Whereas, Michigan voters overwhelmingly amended their constitution in November 2004, adding Article I, Section 25, expressing a clear intent that marriage be limited to heterosexual couples and that the "benefits of marriage" be secured for "our society and for future generations"; and

Whereas, Attorney General Cox ruled as early as March 16, 2005, that governmental entities may not offer benefits to same-gender partners, as such a practice is disallowed under Article I, Section 25 of the Michigan Constitution; and

Whereas, Governor Granholm has authorized negotiations with state employees to offer benefits to same-gender people in unions mimicking marriage; and

Whereas, Suit was brought in the 30th Circuit Court asking that the court uphold the ability of governmental entities to offer benefits to homosexual couples in unions that mimic marriage despite the constitutional language; and

Whereas, On September 28, 2005, the 30th Circuit Court ruled, in the case *National Pride At Work, et al, v. Jennifer Granholm and Michael A. Cox*, that governmental entities could offer benefits to homosexual couples in unions that mimic marriage; and

Whereas, The governor has stated publicly that she intends to implement "quickly" such benefits for state employees in such unions; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Michigan Supreme Court to take whatever steps are necessary to maintain the status quo, with regard to same-sex benefits, that was in place prior to the September 28, 2005, 30th Circuit Court ruling in order to prevent the spending of taxpayer monies to fund benefits for homosexual unions until the court has reached a final adjudication; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Supreme Court.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Employment Relations, Training, and Safety.

Announcements by the Clerk

Received from the Secretary of the Senate:

October 11, 2005

The Senate today read in Conference Reports on Senate Bills 266, 267, 268, 269, 270, 273 and 278, which were laid over one day to be printed in the Senate Journal pursuant to Joint Rule 9. The Senate then moved to suspend the Senate rules to allow for reconsideration of the vote by which the Senate non-concurred in the House substitutes for the bills. After reconsideration, the bills were referred to the Senate Appropriations Committee. Because the Senate has negated the basis for a conference committee report on the above bills, the conference report is no longer valid and will not appear on the Senate Calendar for consideration. We are also removing the reference to these conference committees from the end of our Senate Calendar.

We are notifying you of this action so that you may remove from the House Calendar any reference to these conference committees.

If you have any questions about this action please feel free to contact me.

Gary L. Randall
Clerk of the House

Rep. Espinoza moved that the House adjourn.
The motion prevailed, the time being 4:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 12, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

