

No. 10
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, February 16, 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—present | 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—excused | 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—present | Whitmer—present |
| Dillon—present | Kooiman—present | Plakas—present | Williams—present |
| Donigan—present | LaJoy—present | Polidori—present | Wojno—present |
| Drolet—present | Law, David—present | Proos—present | Zelenko—present |
| Elsenheimer—present | Law, Kathleen—present | | |

e/d/s = entered during session

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

“Father, we come to You today on behalf of Sam and his parents, in order to pray that You will be with them. If it is within Your will, we ask that You miraculously heal this young man. May he be restored to the family, and may Your grace and Your power be exalted through that. And now, as today, Lord, as we pray, You said in Your word that if we are willing to humble ourselves and seek Your face that You will heal our land. And today, Lord, we pray for healing in the state of Michigan. We pray for healing in our economy. And Father, we pray that You would take those that You have chosen to be here in this room—may we together through discretion, through Your wisdom, impact this state in such a way that our economy booms, our people are cared for. And in the end that the winners of the election that brought us here will not just be ourselves, but will be the people of this great state of Michigan. We ask this in Your name. Amen.”

The Speaker Pro Tempore called Associate Speaker Pro Tempore Caswell to the Chair.

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

Motions and Resolutions

Reps. Palmer, Accavitti, Acciavatti, Anderson, Angerer, Baxter, Byrnes, Caswell, Caul, Clack, Clemente, Condino, Elsenheimer, Emmons, Farhat, Farrah, Garfield, Gonzales, Gosselin, Green, Hildenbrand, Hopgood, Huizenga, Jones, Kehrl, Lemmons, III, Lemmons, Jr., McDowell, Meyer, Mortimer, Murphy, Palsrok, Polidori, Proos, Robertson, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stakoe, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Wojno, Byrum, Waters, Mayes, Miller and Ball offered the following resolution:

House Resolution No. 21.

A resolution recognizing March 2005 as Reading Month in the state of Michigan.

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all the children in Michigan; and

Whereas, The citizens of Michigan recognize reading as fundamental to children’s education; and

Whereas, Research shows that children who read regularly, especially with adults, have greater success in schools; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom. Reading opens doors and allows children to explore the entire world and beyond. Reading is also a cornerstone to building productive, contributing citizens; and

Whereas, We recognize and promote the importance of community and parental involvement in every child’s success in school; and

Whereas, We are committed to making Michigan’s children, and America’s children, the best readers in the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize March 2005 as Reading 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.

Reps. Taub, Vander Veen, Robertson, Elsenheimer, Garfield, Miller, Hildenbrand, Rocca, Moolenaar, Sheen, Amos, Schuitmaker, Mortimer, LaJoy, Jones, David Law, Kahn, Pavlov, Meyer, Huizenga, Wenke, Casperson, Hansen, Hoogendyk, Nitz, Baxter, Green, Shaffer, Kooiman, Farhat, Accavitti, Anderson, Angerer, Byrnes, Caul, Clack, Clemente, Condino, Emmons, Farrah, Gonzales, Gosselin, Hopgood, Kehrl, Lemmons, III, Lemmons, Jr., McDowell, Murphy, Palmer, Palsrok, Proos, Sak, Sheltroun, Alma Smith, Spade, Stakoe, Stewart, Tobocman, Vagnozzi, Wojno, Byrum, Waters, Mayes and Ball offered the following resolution:

House Resolution No. 22.

A resolution commemorating March 2005 as Ethnic and Cultural Heritage Month in the state of Michigan.

Whereas, The culture of the people of the state of Michigan has been continually renewed and enriched by the many different people who have chosen to come here over many decades and become citizens; and

Whereas, Each individual brings a part of his or her own heritage, which over time becomes part of our common heritage, leading us to become a more united people; and

Whereas, Michigan is fortunate to count among its population, a large number of citizens of numerous descents, who together make important contributions to our economy and society through their commitment to numerous professions, commerce, family and the arts; and

Whereas, We must foster an interest in the heritage, culture and history of all people and pass the understanding and knowledge on to the next generation. By doing so, we awaken in every American community awareness of the quality of the contributions that all types of ethnicities can bring to our modern American lifestyle; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate March 2005 as Ethnic and Cultural 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 Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4054, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

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, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

House Bill No. 4210, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 617, 617a, 618, and 619 (MCL 257.617, 257.617a, 257.618, and 257.619), section 617 as amended by 2001 PA 159 and section 619 as amended by 1999 PA 73.

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, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

House Bill No. 4233, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 16 (MCL 431.316).

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, Condino, Adamini, Bieda and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 16, 2005

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

Absent: Rep. Lipsey

Excused: Rep. Lipsey

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garfield, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Tuesday, February 15, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 15, 2005

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith and Gonzales

Absent: Reps. Brandenburg and Phillips

Excused: Reps. Brandenburg and Phillips

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair, of the Committee on Higher Education and Career Preparation, was received and read:

Meeting held on: Tuesday, February 15, 2005

Present: Reps. Wenke, Emmons, Palmer, Byrnes, Lipsey and Kehrl

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 15, 2005

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

Absent: Rep. Hune

Excused: Rep. Hune

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, February 16, 2005

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

Absent: Rep. Bennett

Excused: Rep. Bennett

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, February 16, 2005

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

Absent: Rep. Murphy

Excused: Rep. Murphy

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 16:

| | | | | | | | | | | | | | | |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| House Bill Nos. | 4262 | 4263 | 4264 | 4265 | 4266 | 4267 | 4268 | 4269 | 4270 | 4271 | 4272 | 4273 | 4274 | 4275 |
| | 4276 | 4277 | 4278 | 4279 | 4280 | 4281 | 4282 | 4283 | 4284 | 4285 | 4286 | 4287 | 4288 | 4289 |
| | 4290 | 4291 | 4292 | 4293 | 4294 | 4295 | 4296 | 4297 | 4298 | 4299 | 4300 | 4301 | 4302 | 4303 |
| | 4304 | 4305 | 4306 | 4307 | 4308 | 4309 | 4310 | 4311 | 4312 | 4313 | 4314 | 4315 | 4316 | 4317 |
| | 4318 | 4319 | 4320 | | | | | | | | | | | |

House Joint Resolution **E**

Senate Bill Nos. **196** **197** **198** **199** **200** **201**

The Clerk announced that the following Senate bill had been received on Wednesday, February 16:

Senate Bill No. **146**

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 146, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17708, 17751, and 17763 (MCL 333.17708, 333.17751, and 333.17763), sections 17708 and 17751 as amended by 1997 PA 153 and section 17763 as amended by 2004 PA 536.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received February 15, 2005 and read:

EXECUTIVE ORDER

No. 2005 - 4

ABOLISHING CERTAIN OBSOLETE POSITIONS, BOARDS, COMMISSIONS, AND ADVISORY BODIES

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor shall take care that the laws be faithfully executed;

WHEREAS, numerous positions, boards, commissions, and other advisory bodies established by executive order or executive directive have completed the work for which they were created, no longer serve the purposes for which they were established, or have been superseded by statutes;

WHEREAS, under Section 1 of 1931 PA 195, MCL 10.51, whenever in the judgment of the Governor any special commission created under 1931 PA 195 has fully completed the work assigned to it, fulfilled the purposes for which it was created, or the need for such a commission for any reason no longer exists, the Governor may, by executive order declare the special commission dissolved;

WHEREAS, it is necessary in the interests of efficient and effective government to abolish certain obsolete positions, boards, commissions, and advisory bodies;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. LIEUTENANT GOVERNOR'S COMMISSION ON HIGHER EDUCATION AND ECONOMIC GROWTH

A. As the Lieutenant Governor's Commission on Higher Education and Economic Growth created on June 22, 2004 by Executive Order 2004-32 has completed the work for which it was established, the Lieutenant Governor's Commission on Higher Education and Economic Growth is dissolved and abolished.

B. Executive Order 2004-32 is rescinded in its entirety.

II. MICHIGAN MENTAL HEALTH COMMISSION

A. As the Michigan Mental Health Commission created on December 10, 2003 by Executive Order 2003-24 has completed the work for which it was established, the Michigan Mental Health Commission is dissolved and abolished.

B. Executive Order 2003-24 is rescinded in its entirety.

III. DETROIT MEDICAL CENTER FISCAL STABILITY TASK FORCE

A. As the Detroit Medical Center Fiscal Stability Task Force created on June 19, 2003 by Executive Order 2003-7 has completed the work for which it was established, the Detroit Medical Center Fiscal Stability Task Force is dissolved and abolished.

B. Executive Order 2003-7 is rescinded in its entirety.

C. The rescission of Executive Order 2002-15 is ratified.

IV. GOVERNOR'S CHRONIC WASTING DISEASE TASK FORCE

A. As the Governor's Chronic Wasting Disease Task Force created on February 28, 2003 by Executive Order 2003-5, as amended by Executive Order 2003-13, has completed the work for which it was established, the Governor's Chronic Wasting Disease Task Force is dissolved and abolished.

B. Executive Order 2003-5 is rescinded in its entirety.

C. Executive Order 2003-13 is rescinded in its entirety.

V. MICHIGAN LAND USE LEADERSHIP COUNCIL

A. As the Michigan Land Use Leadership Council created on February 27, 2003 by Executive Order 2003-4 has completed the work for which it was established, the Michigan Land Use Leadership Council is dissolved and abolished.

B. Executive Order 2003-4 is rescinded in its entirety.

VI. MICHIGAN COMMISSION ON ASIA IN THE SCHOOLS

A. As the Michigan Commission on Asia in the Schools created on March 14, 2002 by Executive Order 2002-4 has completed the work for which it was established, the Michigan Commission on Asia in the Schools is dissolved and abolished.

B. Executive Order 2002-4 is rescinded in its entirety.

VII. OLD CENTER FOR EDUCATIONAL PERFORMANCE AND INFORMATION

A. As the Old Center for Educational Performance and Information created on July 28, 2000 by Executive Order 2000-9, MCL 388.966, has expired and has been superseded by a new Center for Educational Performance and Information created under Section 1694a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a, the Old Center for Educational Performance and Information is dissolved and abolished.

B. This Order shall not affect the new Center for Educational Performance and Information established under Section 1694a of The State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a.

C. Executive Order 2000-9 is rescinded in its entirety.

VIII. MICHIGAN DEBT ADVISORY BOARD

A. As the Michigan Debt Advisory Board created on July 7, 2000 by Executive Order 2000-8 no longer serves the purposes for which it was established, the Michigan Debt Advisory Board is dissolved and abolished.

B. Executive Order 2000-8 is rescinded in its entirety.

IX. MICHIGAN COMMISSION ON FINANCING POSTSECONDARY EDUCATION

A. As the Michigan Commission on Financing Postsecondary Education created on September 16, 1999 by Executive Order 1999-11 has completed the work for which it was established, the Michigan Commission on Financing Postsecondary Education is dissolved and abolished.

B. Executive Order 1999-11 is rescinded in its entirety.

X. READING PLAN FOR MICHIGAN ADVISORY COUNCIL

A. As the Reading Plan for Michigan Advisory Council created on June 17, 1998 by Executive Order 1998-4, consistent with Executive Directive 1998-2, has completed the work for which it was established, the Reading Plan for Michigan Advisory Council is dissolved and abolished.

B. Executive Order 1998-4 is rescinded in its entirety.

C. Executive Directive 1998-2 is rescinded in its entirety.

XI. WORKING GROUP ON ELDER ADULTS AT RISK OF EXPLOITATION

A. As the Working Group on Elder Adults at Risk of Exploitation provided for under Executive Directive 1998-5 has completed the work for which it was established, the Working Group on Elder Adults at Risk of Exploitation is dissolved and abolished.

B. Executive Directive 1998-5 is rescinded in its entirety.

XII. MICHIGAN BUSINESS OPPORTUNITY COMMISSION

A. As the Michigan Business Opportunity Commission created on December 23, 1998 by Executive Order 1996-13 no longer serves the purposes for which it was established, the Michigan Business Opportunity Commission is dissolved and abolished.

B. Sections 8 and 9 of Executive Order 1996-13 are rescinded.

XIII. INTERIM EXECUTIVE DIRECTOR OF MICHIGAN GAMING

A. As the position of Interim Executive Director of Michigan Gaming created within the Executive Office of the Governor on November 22, 1996 by Executive Order 1996-10 to implement the requirements of Proposal E of 1996 no longer serves the purposes for which the position was established, the position of Interim Executive Director of Michigan Gaming is dissolved and abolished.

B. Executive Order 1996-10 is rescinded in its entirety.

XIV. MICHIGAN QUALITY CABINET

A. As the Michigan Quality Cabinet formed under Executive Directive 1996-1 no longer serves the purposes for which it was established, the Michigan Quality Cabinet is dissolved and abolished.

B. Executive Directive 1996-1 is rescinded in its entirety.

XV. GOVERNOR'S ADVISORY COMMITTEE ON DAY CARE FOR CHILDREN

A. As the Governor's Advisory Committee on Day Care for Children created on October 9, 1995 by Executive Order 1995-21 has completed the work for which it was established, the Governor's Advisory Committee on Day Care for Children is dissolved and abolished.

B. Executive Order 1995-21 is rescinded in its entirety.

XVI. MICHIGAN FARMLAND AND AGRICULTURAL DEVELOPMENT TASK FORCE

A. As the Michigan Farmland and Agricultural Development Task Force created on February 4, 1994 by Executive Order 1994-4 has completed the work for which it was established, the Michigan Farmland and Agricultural Development Task Force is dissolved and abolished.

B. Executive Order 1994-4 is rescinded in its entirety.

XVII. OLD MICHIGAN COMMUNITY SERVICE COMMISSION

A. As the Old Michigan Community Service Commission created on December 9, 1993 by Executive Order 1993-24 has been superseded by a statutory Michigan Community Service Commission created under 1994 PA 219, MCL 408.221 to 408.232, the Michigan Community Service Commission created within the Michigan Jobs Commission under Executive Order 1993-24 is dissolved and abolished.

B. Executive Order 1993-24 is rescinded in its entirety.

C. The rescission of Executive Order 1991-25 is ratified.

XVIII. MICHIGAN COUNCIL ON TELECOMMUNICATIONS SERVICES FOR PUBLIC EDUCATION

A. As the Michigan Council on Telecommunications Services for Public Education created on June 30, 1993 by Executive Order 1993-13, which was amended by Executive Order 1993-22, has completed the work for which it was established, the Michigan Council on Telecommunications Services for Public Education is dissolved and abolished.

B. Executive Order 1993-22 is rescinded in its entirety.

C. Executive Order 1993-13 is rescinded in its entirety.

XIX. K I SAWYER AIR FORCE BASE CONVERSION AUTHORITY

A. As the K I Sawyer Air Force Base Conversion Authority created on September 10, 1993 by Executive Order 1993-16 pursuant to Section 2 of 1993 PA 159, MCL 3.572, has completed the work for which it was established, the K I Sawyer Air Force Base Conversion Authority is dissolved and abolished.

B. Executive Order 1993-16 is rescinded in its entirety.

C. Pursuant to Section 10 of 1993 PA 159, MCL 3.580, any remaining property, books, records, files, and funds of the K I Sawyer Air Force Base Conversion Authority are the property of Marquette County, and shall be held or disposed of by Marquette County in a manner prescribed by law.

XX. OFFICE OF HEALTH CARE REFORM AND POLICY DEVELOPMENT

A. As the Office of Health Care Reform and Policy Development formed within the Executive Office of the Governor on September 22, 1993 by Executive Directive 1993-2, has ceased performing the functions for which it was established, the Office of Health Care Reform and Policy Development is dissolved and abolished.

B. Executive Directive 1993-2 is rescinded in its entirety.

XXI. WURTSMITH AIR FORCE BASE CONVERSION AUTHORITY

A. As the Wurtsmith Air Force Base Conversion Authority created on November 21, 1991 by Executive Order 1991-37 pursuant to Section 2 of 1978 PA 151, MCL 3.552, has completed the work for which it was established, the Wurtsmith Air Force Base Conversion Authority is dissolved and abolished.

B. Executive Order 1991-37 is rescinded in its entirety.

C. Pursuant to Section 10 of 1978 PA 151, MCL 3.560, any remaining property, books, records, files, and funds of the authority are the property of the Charter Township of Oscoda, Iosco County, and shall be held or disposed of by the Charter Township of Oscoda, Iosco County, in a manner prescribed by law.

XXII. MICHIGAN YOUTH CORPS OPPORTUNITIES GROUP

A. As the Michigan Youth Corps Opportunities Group created on June 11, 1987 by Executive Order 1987-7, and re-established on May 15, 1990 by Executive Order 1990-9, no longer serves the purposes for which it was established, the Michigan Youth Corps Opportunities Group is dissolved and abolished.

B. Executive Order 1990-9 is rescinded in its entirety.

C. Executive Order 1987-7 is rescinded in its entirety.

XXIII. ENVIRONMENTAL HEALTH OMBUDSPERSON

A. As the Environmental Health Ombudsperson created on April 9, 1994 under Executive Order 1990-5, as continued in force by Executive Order 1991-31, MCL 299.13, no longer serves the purposes for which it was established, the position of Environmental Health Ombudsperson is dissolved and abolished.

XXIV. ENVIRONMENTAL RESPONSE TEAM

A. As the Environmental Response Team created on April 9, 1994 under Executive Order 1990-5, as continued in force by Executive Order 1991-31, MCL 299.13, no longer serves the purposes for which it was established, the Environmental Response Team is dissolved and abolished.

B. Executive Order 1990-5 is rescinded in its entirety.

XXV. GOVERNOR'S GENERAL AVIATION COUNCIL

A. As the Governor's General Aviation Council formed on October 22, 1990 by Executive Directive 1990-2 no longer serves the purposes for which it was established, the Governor's General Aviation Council is dissolved and abolished.

B. Executive Directive 1990-2 is rescinded in its entirety.

XXVI. GOVERNOR'S FIRE SAFETY TASK FORCE

A. As the Governor's Fire Safety Task Force created on September 12, 1989 by Executive Order 1989-9 has completed the work for which it was established, the Governor's Fire Safety Task Force is dissolved and abolished.

B. Executive Order 1989-9 is rescinded in its entirety.

XXVII. CAMP GRAYLING ADVISORY COUNCIL

A. As the Camp Grayling Advisory Council created on August 4, 1989 by Executive Order 1989-8 no longer serves the purposes for which it was established, the Camp Grayling Advisory Council is dissolved and abolished.

B. Executive Order 1989-8 is rescinded in its entirety.

XXVIII. GOVERNOR'S COMMUNITIES OF ECONOMIC EXCELLENCE ADVISORY PANEL

A. As the Governor's Communities of Economic Excellence Advisory Panel created on May 24, 1984 by Executive Order 1984-9, as amended by Executive Order 1989-2, no longer serves the purposes for which it was established, the Governor's Communities of Economic Excellence Advisory Panel is dissolved and abolished.

B. Executive Order 1989-2 is rescinded in its entirety.

C. Executive Order 1984-9 is rescinded in its entirety.

XXIX. GOVERNOR'S LABOR-MANAGEMENT ADVISORY COUNCIL

A. As the Governor's Labor-Management Advisory Council created January 10, 1989 by Executive Order 1989-1 no longer serves the purposes for which it was established, the Governor's Labor-Management Advisory Council is dissolved and abolished.

B. Executive Order 1989-1 is rescinded in its entirety.

XXX. MICHIGAN AIR SERVICE COUNCIL

A. As the Michigan Air Service Council created on August 18, 1988 by Executive Order 1988-9 no longer serves the purposes for which it was established, the Michigan Air Service Council is dissolved and abolished.

B. Executive Order 1988-9 is rescinded in its entirety.

XXXI. MICHIGAN HUMAN INVESTMENT FUND

A. As the Michigan Human Investment Fund created on August 18, 1988 by Executive Order 1988-8 no longer serves the purposes for which it was established, the Michigan Human Investment Fund is dissolved and abolished.

B. Executive Order 1988-8 is rescinded in its entirety.

XXXII. CAMP GRAYLING MANAGEMENT ADVISORY COMMITTEE

A. As the Camp Grayling Management Advisory Committee created on June 22, 1988 by Executive Order 1988-7 has completed the work for which it was established, the Camp Grayling Management Advisory Committee is dissolved and abolished.

B. Executive Order 1988-7 is rescinded in its entirety.

XXXIII. GOVERNOR'S COMMISSION ON JOBS AND ECONOMIC DEVELOPMENT

A. As the Governor's Commission on Jobs and Economic Development created on March 17, 1983 by Executive Order 1983-3, as amended by Executive Order 1988-3, no longer serves the purposes for which it was established, the Governor's Commission on Jobs and Economic Development is dissolved and abolished.

B. Executive Order 1988-3 is rescinded in its entirety.

C. Executive Order 1983-3 is rescinded in its entirety.

XXXIV. RECYCLING PROMOTION ADVISORY COMMITTEE

A. As the Recycling Promotion Advisory Committee created on February 4, 1988 by Executive Order 1988-2 has completed the work for which it was established, the Recycling Promotion Advisory Committee is dissolved and abolished.

B. Executive Order 1988-2 is rescinded in its entirety.

XXXV. GOVERNOR'S TASK FORCE ON ACCESS TO HEALTH CARE

A. As the Governor's Task Force on Access to Health Care created on July 7, 1987 by Executive Order 1987-9 has completed the work for which it was established, the Governor's Task Force on Access to Health Care is dissolved and abolished.

B. Executive Order 1987-9 is rescinded in its entirety.

XXXVI. CLIENT ASSISTANCE PROGRAM ADVISORY COUNCIL

A. As the Client Assistance Program Advisory Council created on November 21, 1984 by Executive Order 1984-15, as amended by Executive Order 1987-2, no longer serves the purposes for which it was established, the Client Assistance Program Advisory Council is dissolved and abolished.

B. Executive Order 1987-2 is rescinded in its entirety.

C. Executive Order 1984-15 is rescinded in its entirety.

XXXVII. GOVERNOR'S MACKINAC BRIDGE TASK FORCE

A. As the Governor's Mackinac Bridge Task Force created on September 18, 1986 by Executive Order 1986-14 has completed the work for which it was established, the Governor's Mackinac Bridge Task Force is dissolved and abolished.

B. Executive Order 1986-14 is rescinded in its entirety.

XXXVIII. CITIZENS' ADVISORY TASK FORCE ON STATE LABOR-MANAGEMENT RELATIONS

A. As the Citizens' Advisory Task Force on State Labor-Management Relations created on July 30, 1986 by Executive Order 1986-10, as amended by Executive Order 1986-12, has completed the work for which it was established, the Citizens' Advisory Task Force on State Labor-Management Relations is dissolved and abolished.

B. Executive Order 1986-12 is rescinded in its entirety.

C. Executive Order 1986-10 is rescinded in its entirety.

XXXIX. CLEAN WATER INCENTIVES PROGRAM ADVISORY COMMITTEE

A. As the Clean Water Incentives Program Advisory Committee created on August 5, 1986 by Executive Order 1986-11 no longer serves the purposes for which it was established, the Clean Water Incentives Program Advisory Committee is dissolved and abolished.

B. Executive Order 1986-11 is rescinded in its entirety.

XL. ENTREPRENEURIAL AND SMALL BUSINESS COMMISSION

A. As the Entrepreneurial and Small Business Commission created on December 19, 1983 by Executive Order 1983-16, as amended by Executive Order 1986-9, no longer serves the purposes for which it was established, the Entrepreneurial and Small Business Commission is dissolved and abolished.

B. Executive Order 1986-9 is rescinded in its entirety.

C. Executive Order 1983-16 is rescinded in its entirety.

XLI. GOVERNOR'S AIR SERVICE TASK FORCE

A. As the Governor's Air Service Task Force created on February 7, 1986 by Executive Order 1986-3 has completed the work for which it was established, the Governor's Air Service Task Force is dissolved and abolished.

B. Executive Order 1986-3 is rescinded in its entirety.

XLII. GOVERNOR'S BLUE RIBBON COMMISSION ON WELFARE REFORM

A. As the Governor's Blue Ribbon Commission on Welfare Reform created on January 27, 1986 by Executive Order 1986-2 has completed the work for which it was established, the Governor's Blue Ribbon Commission on Welfare Reform is dissolved and abolished.

B. Executive Order 1986-2 is rescinded in its entirety.

XLIII. TASK FORCE ON EMPLOYMENT OPPORTUNITIES FOR OLDER CITIZENS

A. As the Task Force on Employment Opportunities for Older Citizens created on December 26, 1985 by Executive Order 1985-9 has completed the work for which it was established, the Task Force on Employment Opportunities for Older Citizens is dissolved and abolished.

B. Executive Order 1985-9 is rescinded in its entirety.

XLIV. CLEAN MICHIGAN FUND PROGRAM ADVISORY COMMITTEE

A. As the Clean Michigan Fund Program Advisory Committee created on December 10, 1985 by Executive Order 1985-8 no longer serves the purposes for which it was established, the Clean Michigan Fund Program Advisory Committee is dissolved and abolished.

B. Executive Order 1985-8 is rescinded in its entirety.

XLV. GOVERNOR'S COMMISSION ON CHINA

A. As the Governor's Commission on China created on April 17, 1984 by Executive Order 1984-4 no longer serves the purposes for which it was established, the Governor's Commission on China is dissolved and abolished.

B. Executive Order 1984-4 is rescinded in its entirety.

XLVI. COMMISSION ON THE FUTURE OF HIGHER EDUCATION

A. As the Commission on the Future of Higher Education created on September 19, 1983 by Executive Order 1983-11 has completed the work for which it was established, the Commission on the Future of Higher Education is dissolved and abolished.

B. Executive Order 1983-11 is rescinded in its entirety.

XLVII. GOVERNOR'S EXECUTIVE CORPS

A. As the Governor's Executive Corps created on May 3, 1983 by Executive Order 1983-6 no longer serves the purposes for which it was established, the Governor's Executive Corps is dissolved and abolished.

B. Executive Order 1983-6 is rescinded in its entirety.

XLVIII. ORGANIZED CRIME COMMISSION

A. As the Organized Crime Commission created on January 15, 1981 by Executive Order 1981-1 has completed the work for which it was established, the Organized Crime Commission is dissolved and abolished.

B. Executive Order 1981-1 is rescinded in its entirety.

XLIX. CHIPPEWA COUNTY BASE CONVERSION AUTHORITY

A. As the Chippewa County Base Conversion Authority created on June 29, 1978 by Executive Order 1978-5 pursuant to Section 2 of 1978 PA 151, MCL 3.552, has completed the work for which it was established, the Chippewa County Base Conversion Authority is dissolved and abolished.

B. Executive Order 1978-5 is rescinded in its entirety.

L. MICHIGAN ADVISORY COMMISSION ON NUTRITION

A. As the Michigan Advisory Commission on Nutrition created on January 23, 1975 by Executive Order 1975-1 no longer serves the purposes for which it was established, the Michigan Advisory Commission on Nutrition is dissolved and abolished.

B. Executive Order 1975-1 is rescinded in its entirety.

LI. SPECIAL COMMISSION ON ART IN STATE BUILDINGS

A. As the Special Commission on Art in State Buildings created on July 7, 1975 by Executive Order 1975-8 no longer serves the purposes for which it was established, the Special Commission on Art in State Buildings is dissolved and abolished.

B. Executive Order 1975-8 is rescinded in its entirety.

LII. MICHIGAN STATE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ADVISORY COUNCIL

A. As the Michigan State Developmental Disabilities Services and Facilities Construction Advisory Council created on April 6, 1971, by Executive Order 1971-4, as amended by Executive Order 1972-7, no longer serves the purposes for which it was established, the Michigan State Developmental Disabilities Services and Facilities Construction Advisory Council is dissolved and abolished.

B. Executive Order 1972-7 is rescinded in its entirety.

C. Executive Order 1971-4 is rescinded in its entirety.

LIII. ADVISORY COUNCIL FOR NATURAL AREAS

A. As the Advisory Council for Natural Areas created on April 26, 1971 by Executive Order 1971-5 has completed the work for which it was established, the Advisory Council for Natural Areas is dissolved and abolished.

B. Executive Order 1971-5 is rescinded in its entirety.

LIV. INTERAGENCY TRANSPORTATION COUNCIL

A. As the Interagency Transportation Council created on April 15, 1969 by Executive Order 1969-2 no longer serves the purposes for which it was established, the Interagency Transportation Council is dissolved and abolished.

B. Executive Order 1969-2 is rescinded in its entirety.

LV. DATA PROCESSING ADVISORY COMMITTEE

A. As the Data Processing Advisory Committee formed under Executive Directive 1971-3 no longer serves the purposes for which it was established, the Data Processing Advisory Committee is dissolved and abolished.

B. Executive Directive 1971-3 is rescinded in its entirety.

LVI. STATE TELECOMMUNICATIONS PLANNING GROUP

A. As the State Telecommunications Planning Group formed under Executive Directive 1972-2 no longer serves the purposes for which it was established, the State Telecommunications Planning Group is dissolved and abolished.

B. Executive Directive 1972-2 is rescinded in its entirety.

LVII. TASK FORCE ON SMALL BUSINESS PARTICIPATION IN STATE PURCHASING

A. As the Task Force on Small Business Participation in State Purchasing formed under Executive Directive 1975-4 has completed the work for which it was established, the Task Force on Small Business Participation in State Purchasing is dissolved and abolished.

B. Executive Directive 1975-4 is rescinded in its entirety.

LVIII. INTERAGENCY TRANSPORTATION COORDINATING COUNCIL

A. As the Interagency Transportation Coordinating Council formed under Executive Directive 1975-5 has completed the work for which it was established, the Interagency Transportation Coordinating Council is dissolved and abolished.

B. Executive Directive 1975-5 is rescinded in its entirety.

LIX. SMALL AND MINORITY BUSINESS PROCUREMENT COUNCIL

A. As the Small and Minority Business Procurement Council formed under Executive Directive 1976-4 has completed the work for which it was established, the Small and Minority Business Procurement Council is dissolved and abolished.

B. Executive Directive 1976-4 is rescinded in its entirety.

LX. CABINET COMMITTEE ON GROWTH AND DEVELOPMENT

A. As the Cabinet Committee on Growth and Development formed under Executive Directive 1977-1 no longer serves the purposes for which it was established, the Cabinet Committee on Growth and Development is dissolved and abolished.

LXI. ECONOMIC GROWTH AND DEVELOPMENT COUNCIL

A. As the Economic Growth and Development Council formed under Executive Directive 1977-1 no longer serves the purposes for which it was established, the Economic Growth and Development Council is dissolved and abolished.

B. Executive Directive 1977-1 is rescinded in its entirety.

LXII. FILM AND TELEVISION SERVICES ADVISORY COUNCIL

A. As the Film and Television Services Advisory Council formed under Executive Directive 1979-3 no longer serves the purposes for which it was established, the Film and Television Services Advisory Council is dissolved and abolished.

B. Executive Directive 1979-3 is rescinded in its entirety.

LXIII. STATE INTERAGENCY COORDINATING COUNCIL

A. As the State Interagency Coordinating Council formed under Executive Directive 1981-1 no longer serves the purposes for which it was established, the State Interagency Coordinating Council created under Executive Directive 1981-1 is dissolved and abolished.

B. Executive Directive 1981-1 is rescinded in its entirety.

LXIV. GOVERNOR'S SPECIAL COMMISSION ON JUVENILE DELINQUENCY

A. As the Governor's Special Commission on Juvenile Delinquency created on April 22, 1968 by Executive Order 1968-7 has completed the work for which it was established, the Governor's Special Commission on Juvenile Delinquency is dissolved and abolished.

B. Executive Order 1968-7 is rescinded in its entirety.

LXV. MICHIGAN COMMISSION ON HOUSING LAW REVISION

A. As the Michigan Commission on Housing Law Revision created on October 28, 1968 by Executive Order 1968-10 has completed the work for which it was established, the Michigan Commission on Housing Law Revision is dissolved and abolished.

B. Executive Order 1968-10 is rescinded in its entirety.

LXVI. MICHIGAN COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

A. As the Michigan Commission on Law Enforcement and Criminal Justice created on November 27, 1968 by Executive Order 1968-11 no longer serves the purposes for which it was established, the Michigan Commission on Law Enforcement and Criminal Justice is dissolved and abolished.

B. Executive Order 1968-11 is rescinded in its entirety.

C. The rescission of Executive Order 1966-7 is ratified.

LXVII. ADVISORY COUNCIL ON PUBLIC HEALTH

A. As the Advisory Council on Public Health created on May 31, 1967 by Executive Order 1967-2 no longer serves the purposes for which it was established, the Advisory Council on Public Health is dissolved and abolished.

B. Executive Order 1967-2 is rescinded in its entirety.

LXVIII. ADVISORY COUNCIL ON MENTAL HEALTH

A. As the Advisory Council on Mental Health created on May 9, 1966 by Executive Order 1966-2 no longer serves the purposes for which it was established, the Advisory Council on Mental Health is dissolved and abolished.

B. Executive Order 1966-2 is rescinded in its entirety.

LXIX. MICHIGAN MANPOWER DEVELOPMENT AND TRAINING COMMISSION

A. As the Michigan Manpower Development and Training Commission created on September 22, 1966 by Executive Order 1966-5 no longer serves the purposes for which it was established, the Michigan Manpower Development and Training Commission is dissolved and abolished.

B. Executive Order 1966-5 is rescinded in its entirety.

LXX. MICHIGAN COMMISSION ON URBAN PROBLEMS

A. As the Michigan Commission on Urban Problems created on November 16, 1967 by Executive Order 1966-14, and on December 14, 1966 by Executive Order 1966-14a, has completed the work for which it was established, the Michigan Commission on Urban Problems is dissolved and abolished.

B. Executive Order 1966-14a is rescinded in its entirety.

C. Executive Order 1966-14 is rescinded in its entirety.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of February, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received February 15, 2005 and read:

EXECUTIVE ORDER

No. 2005 - 5

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**ABOLISHING THE STATE MILITARY BOARD****EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963, empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces of the State of Michigan;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, the State Military Board participates in an advisory capacity in the preparation of plans and specifications for armory construction and of letting contracts for their erection and equipment in accordance with established state procedures;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, actions of the State Military Board must be submitted to the Adjutant General and through him or her to the Governor for approval;

WHEREAS, elimination of the State Military Board will eliminate redundant functions, increasing the efficiency and effectiveness of the Department of Military and Veterans Affairs and of the military establishment of the State of Michigan;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Military and Veterans Affairs" or "Department" means the principal department of state government created as the Department of Military Affairs under Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" under Executive Order 1997-7, MCL 32.91.

B. "State Administrative Board" means the board created under Section 1 of 1921 PA 2, MCL 17.1.

C. "State Military Board" means the state military board created under 1909 PA 84, transferred by Type I Transfer to the Department of Military Affairs under Section 127 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.227, and provided for as a 5-member advisory board under Section 360 of the Michigan Military Act, 1965 PA 150, MCL 32.760.

D. "Type I Transfer" means that term as defined under Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

E. "Type III Transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER

A. All of the authority, powers, functions, duties, and responsibilities of the State Military Board are transferred by Type III Transfer to the Department of Military and Veterans Affairs, including, but not limited to, the authority, powers, functions, duties, and responsibilities of the State Military Board under any of the following:

1. 1943 PA 37, MCL 32.181 to 32.182 (Easements; Armory of 182nd Field Artillery).
2. 1934 (1st Ex Sess) PA 28, MCL 32.241 (Hanson Military Reservation).
3. 1913 PA 172, MCL 32.221 to 32.226 (Crawford County Land).
4. 1919 PA 287, MCL 32.231 to 32.236 (Hanson Military Reservation).
5. Chapter 6 of the Michigan Military Act, 1967 PA 150, MCL 32.750 to 32.790 (armories and reservations).

B. All of the authority, powers, functions, duties, and responsibilities of the Governor to approve actions of the State Military Board under Section 366 of the Michigan Military Act, 1967 PA 150, MCL 32.766, are transferred to the State Administrative Board.

C. The State Military Board is dissolved and abolished.

III. IMPLEMENTATION

A. The Adjutant General shall provide executive direction and supervision for the implementation of the transfer under this Order. The functions transferred shall be administered under the direction and supervision of the Adjutant General.

B. All records, personnel, property, and funds used, held, employed, available, or to be made available to the State Military Board for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department.

C. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Adjutant General.

D. The Adjutant General may perform a duty or exercise a power conferred by law or executive order upon the Adjutant General at the time and to the extent the duty or power is delegated to the Adjutant General by law or order.

E. The Adjutant General may by written instrument delegate within the Department a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Adjutant General.

F. The Adjutant General shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

IV. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system related to this Order for the remainder of the fiscal year.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Order is effective April 17, 2005 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of February, in the year of our Lord, two thousand and five.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Reps. Moolenaar, Hansen, Walker, Pastor, Mayes, Robertson, Stahl, Shaffer, Booher, Nofs, Acciavatti, Kahn, Caswell, Caul, Kooiman, Pearce, Proos, Jones, Elsenheimer, David Law and Taub introduced

House Bill No. 4321, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 811o. The bill was read a first time by its title and referred to the Committee on Transportation.

Reps. Jones and Schuitmaker introduced

House Bill No. 4322, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b. The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Hood, Leland, McConico and Alma Smith introduced

House Bill No. 4323, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 4 (MCL 445.904), as amended by 2003 PA 216.

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

Rep. Marleau introduced

House Bill No. 4324, entitled

A bill to amend 2003 PA 42, entitled "Unsolicited commercial e-mail protection act," by amending section 7 (MCL 445.2507).

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

The Speaker Pro Tempore resumed the Chair.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 14.

A resolution to state the intention of the House of Representatives to address the rising costs of health care and retirement in public education.

(For text of resolution, see House Journal No. 3, p. 66.)

(The resolution was reported by the Committee on Education on February 9, consideration of which, under the rules, was postponed until February 10.)

The question being on the adoption of the resolution,

Rep. Palmer demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the resolution,

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

Roll Call No. 7

Yeas—57

Acciavatti
Amos
Ball

Gosselin
Green
Hansen

Meyer
Moolenaar
Moore

Rocca
Schuitmaker
Shaffer

| | | | |
|-------------|-------------|-----------|-----------------|
| Baxter | Hildenbrand | Mortimer | Sheen |
| Booher | Hoogendyk | Newell | Stahl |
| Casperson | Huizenga | Nitz | Stakoe |
| Caswell | Hummel | Nofs | Steil |
| Caul | Hune | Palmer | Stewart |
| DeRoche | Jones | Palsrok | Taub |
| Drolet | Kahn | Pastor | Van Regenmorter |
| Elsenheimer | Kooiman | Pavlov | Vander Veen |
| Emmons | LaJoy | Pearce | Walker |
| Farhat | Law, David | Proos | Ward |
| Gaffney | Marleau | Robertson | Wenke |
| Garfield | | | |

Nays—49

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

In The Chair: Kooiman

Rep. Clack moved that her name be removed as co-sponsor of the resolution.
The motion prevailed.

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

“Mr. Speaker and members of the House:

I voted no on this Resolution because it was not written broadly enough. I would prefer a resolution that focused on addressing the challenges facing our public schools including but not limited to the high cost of operations, disparities in per pupil funding and the financial burdens caused by unfunded mandates.”

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

“Mr. Speaker and members of the House:

I voted no on HR14 as it is an attack on the collective bargaining rights of teachers and does not address the issue of rising health insurance costs.”

Reps. Hopgood, Accavitti and Brown, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on House Resolution 14 because I believe it is nothing more than a blatant attempt to beat up our local public schools and teachers to advance wrong-headed privatization goals.

Michigan has always been fortunate to have world class teachers who promote world-class education. This resolution attacks our teachers — the men and women who devote their lives to educating our children.

It diminishes the significant contributions our teachers make every day and the fact that they are our most important resource in our classrooms in determining the success of our students.

Investing in quality teachers yields higher returns than any other education reform.

This resolution is a thinly veiled attempt to move one step closer to a state takeover of our public schools and our public school employees' health care. A state-run bureaucracy will further burden our public schools and remove competition. Our state should not be in the insurance business.

Our local schools don't need vouchers or charter schools. And, they don't need this resolution.

Leadership is about keeping promises. We made a promise to our teachers and we should keep it.

If we were really serious about addressing the financial burden on our schools, then we would be voting on a resolution that calls on Congress to remove unfunded and cumbersome federal mandates that are stifling our schools, especially the 'No Child Left Behind Act.'

Finally, I recognize the direct correlation between the quality education we offer to children in Michigan and the quality teachers who work hard in their classrooms every day. Unfortunately, this resolution does not. Michigan teachers work day in and day out to prepare our future leaders. We should be applauding their efforts instead of gutting their health care benefits."

Second Reading of Bills

House Bill No. 4117, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," (MCL 32.271 to 32.274) by adding section 3a.

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

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

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

The motion prevailed.

House Bill No. 4197, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 20a (MCL 247.670a), as amended by 2002 PA 498.

The bill was read a second time.

Rep. LaJoy 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.

The Speaker assumed the Chair.

Announcements by the Clerk

Following is a change to the schedule of Standing Committees for the 2005-2006 Legislative Session:

Thursdays 8:30 a.m. Conservation, Forestry, and Outdoor Recreation, 327 House Office Building

Rep. Vander Veen moved that the House adjourn.
The motion prevailed, the time being 2:40 p.m.

The Speaker declared the House adjourned until Thursday, February 17, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

