

**No. 73**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, September 7, 2005.

1:00 p.m.

The House was called to order by the Speaker.

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.—excused	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—excused	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—excused	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—excused	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. Michael C. Murphy, from the 68th District, offered the following invocation:

“Search us O God, and know our hearts, try us and know our thoughts and Lord, lead us in Your way everlasting. We thank You for this day. We thank You, Lord, for another opportunity to come and serve the people of this great state. Lord, we pray that You would be with us as we deliberate. We pray, Lord, for our fellow citizens who have been victims of Hurricane Katrina in the Gulf states: Louisiana, Mississippi, and Alabama. Lord, we pray for our colleagues in the legislatures in those states. We pray, Lord, that You would give them strength, give them determination to rebuild. We pray, Lord, Your strength upon them and for the victims. We pray, Lord, that You would be with them during this time. Lord, let this great state of Michigan open up its doors to receive those who have been displaced. A place that they can come to and regain their strength and regain their equilibrium and begin to find loved ones, who have been scattered. We pray, Your blessing upon our effort as a nation to respond to this disaster. Lord, give us the strength today that the words of my mouth and the meditations of my heart be acceptable in Thy sight. O Lord, our strength and our redeemer and all those who are gathered in the House of Representatives said, Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Sak moved that Reps. Cushingberry, Lemmons, Jr., McConico and Phillips be excused from today’s session. The motion prevailed.

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

### **Second Reading of Bills**

#### **House Bill No. 5057, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 91.

The bill was read a second time.

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

The motion prevailed.

#### **Senate Bill No. 564, entitled**

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 97.

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.

#### **House Bill No. 4258, entitled**

A bill to amend 1846 RS 1, entitled “Of the statutes,” by amending section 3q (MCL 8.3q).

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

#### **House Bill No. 4258, entitled**

A bill to amend 1846 RS 1, entitled “Of the statutes,” by amending section 3q (MCL 8.3q).

The bill was read a third time.

The question being on the passage of the bill,

Rep. Palsrok moved that consideration of the bill be postponed temporarily.  
The motion prevailed.

**House Bill No. 4997, entitled**

A bill to amend 1996 PA 354, entitled "Savings bank act," by repealing section 514 (MCL 487.3514).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 376**

**Yeas—105**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 4718, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 78.

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

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

Rep. Drolet moved to substitute (H-3) the bill.

The motion did not prevail and the substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 4718, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 78.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

**House Bill No. 4998, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by repealing section 1135 (MCL 491.1135).

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

The House returned to the consideration of

**House Bill No. 4258, entitled**

A bill to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

(The bill was considered earlier today, see today's Journal p. 1302.)

The question being on the passage of the bill,

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

**Roll Call No. 377**

**Yeas—105**

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

Caul	Hummel	Palmer	Vander Veen
Cheeks	Hune	Palsrok	Walker
Clack	Hunter	Pastor	Ward
Clemente	Jones	Pavlov	Waters
Condino	Kahn	Pearce	Wenke
DeRoche	Kehrl	Plakas	Whitmer
Dillon	Kolb	Polidori	Williams
Donigan	Kooiman	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko
Elsenheimer			

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Waters, Plakas, Anderson, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Meyer, Vander Veen, Williams, Adamini, Brown, Tobocman, Farrah, Pastor, Hopgood, Kathleen Law, Bieda, Meisner, Wojno, Clack, Condino, Taub, Accavitti, Stakoe, Hune, Shaffer, Hoogendyk, Nofs, Ward, Byrum, Sak, Stahl, Sheen, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Bennett, Booher, Byrnes, Cheeks, Clemente, Donigan, Espinoza, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Jones, Kahn, Lemmons, III, Marleau, Mayes, Mortimer, Pearce, Polidori, Rocca, Schuitmaker, Sheltroun, Alma Smith and Spade were named co-sponsors of the bill.

The House returned to the consideration of

**House Bill No. 4998, entitled**

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by repealing section 1135 (MCL 491.1135).

(The bill was considered earlier today, see today's Journal p. 1304.)

The question being on the passage of the bill,

The bill was then passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 378****Yeas—105**

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

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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Rep. Waters moved that Rep. Murphy be excused temporarily from today's session.  
The motion prevailed.

**House Bill No. 4999, entitled**

A bill to amend 2003 PA 215, entitled "Credit union act," by repealing section 307 (MCL 490.307).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 379****Yeas—104**

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

Dillon	Kehrl	Polidori	Williams
Donigan	Kolb	Proos	Wojno
Drolet	Kooiman	Robertson	Zelenko

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

**House Bill No. 5000, entitled**

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by repealing section 4406 (MCL 487.14406).

Was read a third time and passed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 380****Yeas—104**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5028, entitled

A bill to create and provide for the operation of the Michigan port authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property and port facilities; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

The bill was read a second time.

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

The motion prevailed.

#### House Bill No. 5029, entitled

A bill to amend 1978 PA 639, entitled "Hertel-Law-T. Stopczynski port authority act," by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Hunter moved to amend the bill as follows:

1. Amend page 5, following line 3, by inserting:

"Sec. 5. (1) Except as provided in subsection (5), an authority shall consist of 5 or 7 members as follows:

(a) One member shall be appointed by the governor.

(b) The remaining members shall be appointed by the governing body of each city and the governing body of each county that requested the incorporation of the authority. The representation on, and the number of members of, the authority shall be determined by agreement among the incorporating units and included within the joint resolution requesting incorporation of the authority.

(2) The members first appointed shall serve staggered terms. After the first appointment, each member shall serve a term of 4 years, except that a person appointed to fill a vacancy shall be appointed for the balance of the unexpired term. A member shall be eligible for reappointment.

(3) The members shall elect 1 of their membership as chairperson and another as vice-chairperson, shall designate the terms of office of those officers, and shall appoint a secretary-treasurer who need not be a member. A majority of the members of the authority shall constitute a quorum. The affirmative vote of a majority of the members shall be necessary for any action taken by the authority.

(4) The members shall serve without compensation but shall be reimbursed for all necessary travel and other expenses incurred in the discharge of their duties.

(5) An authority that is established in a county having a population of 1,500,000 or more shall consist of 5 members as follows:

(a) ~~One member shall be appointed by the governor~~ **THE DIRECTOR OF THE DEPARTMENT OF LABOR AND ECONOMIC GROWTH OR HIS OR HER DESIGNEE.**

(b) Two members ~~shall be appointed by a majority of all the members of the county board of commissioners of the county. The members appointed shall be nominated by the commissioners on the board who do not reside within the political boundaries of a city having a population of 750,000 or more~~ **THE ELECTED COUNTY EXECUTIVE WITH THE ADVICE AND CONSENT OF THE COUNTY BOARD OF COMMISSIONERS.**

(c) Two members ~~shall be appointed by the mayor of a city having a population of 750,000 or more that is located in the county~~ **WITH THE ADVICE AND CONSENT OF THE CITY'S GOVERNING BODY.**

(6) To the extent not protected by the immunity conferred by 1964 PA 170, MCL 691.1401 to 691.1415, a member of the authority appointed under this section who exercises the powers contained in this act in good faith is immune from civil or administrative liability arising from that conduct, unless the conduct was gross negligence or willful and wanton misconduct."

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

Rep. Hunter 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 Education, by Rep. Palmer, Chair, reported

**House Bill No. 4726, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1177a. 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. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

**Senate Bill No. 616, entitled**

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

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

The Committee on Education, by Rep. Palmer, Chair, reported

**Senate Bill No. 617, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

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

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 7, 2005

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

Absent: Reps. Wenke and Lemmons, III

Excused: Reps. Wenke and Lemmons, III

### Second Reading of Bills

#### Senate Bill No. 616, entitled

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

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 616, entitled

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

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

#### Roll Call No. 381

#### Yeas—103

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

#### Nays—1

Drolet

In The Chair: Kooiman

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

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

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 617, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### Senate Bill No. 617, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

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

#### Roll Call No. 382

#### Yeas—103

Accavitti	Emmons	Law, Kathleen	Sak
Acciavatti	Espinoza	Leland	Schuitmaker
Adamini	Farhat	Lemmons, III	Shaffer
Amos	Farrah	Lipsey	Sheen
Anderson	Gaffney	Marleau	Sheltrown
Angerer	Garfield	Mayer	Smith, Alma
Ball	Gillard	McDowell	Smith, Virgil
Baxter	Gleason	Meisner	Spade
Bennett	Gonzales	Meyer	Stahl
Bieda	Gosselin	Miller	Stakoe
Booher	Green	Moolenaar	Steil
Brandenburg	Hansen	Moore	Stewart

Brown	Hildenbrand	Mortimer	Taub
Byrnes	Hood	Newell	Tobocman
Byrum	Hoogendyk	Nitz	Vagnozzi
Casperson	Hopgood	Nofs	Van Regenmorter
Caswell	Huizenga	Palmer	Vander Veen
Caul	Hummel	Palsrok	Walker
Cheeks	Hune	Pastor	Ward
Clack	Hunter	Pavlov	Waters
Clemente	Jones	Pearce	Wenke
Condino	Kahn	Plakas	Whitmer
DeRoche	Kehrl	Polidori	Williams
Dillon	Kolb	Proos	Wojno
Donigan	Kooiman	Robertson	Zelenko
Elsenheimer	Law, David	Rocca	

### Nays—1

Drolet

In The Chair: Kooiman

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

“An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,”

The House agreed to the full title.

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

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

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4436, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; and to provide for the expenditure of the appropriations.

(The bill was received from the Senate on September 6, with amendments, title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 72, p. 1299.)

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

Reps. Casperson, Robertson and Acciavatti moved to amend the Senate amendments as follows:

1. Amend Senate amendment No. 4, page 18, following line 13, following subsection (5), after “Special census revenue sharing payments” by striking out “92,000” and inserting “453,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

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

### Roll Call No. 383

### Yeas—104

Accavitti	Elsenheimer	Law, David	Rocca
Acciavatti	Emmons	Law, Kathleen	Sak

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title as amended.

The Speaker laid before the House

**House Bill No. 4541, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” 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 2004 PA 266, and section 537 as amended by 2001 PA 223.

(The bill was received from the Senate on September 6, with substitute (S-1) and title amendment, consideration of which, under the rules, was postponed until today, see House Journal No. 72, p. 1300.)

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. 384****Yeas—96**

Accavitti	Donigan	Kolb	Rocca
Acciavatti	Drolet	Kooiman	Sak
Adamini	Elsenheimer	Law, David	Schuitmaker
Amos	Emmons	Law, Kathleen	Shaffer
Anderson	Espinoza	Leland	Sheen
Angerer	Farhat	Lemmons, III	Sheltrown
Ball	Farrah	Lipsey	Smith, Alma
Baxter	Gaffney	Marleau	Smith, Virgil
Bennett	Garfield	Mayes	Spade

Bieda	Gillard	McDowell	Stakoe
Booher	Gleason	Meisner	Steil
Brandenburg	Gonzales	Meyer	Stewart
Brown	Hansen	Miller	Taub
Byrnes	Hildenbrand	Moore	Tobocman
Byrum	Hood	Mortimer	Vagnozzi
Casperson	Hoogendyk	Nitz	Vander Veen
Caswell	Hopgood	Palmer	Walker
Caul	Huizenga	Palsrok	Ward
Cheeks	Hummel	Pastor	Waters
Clack	Hune	Pavlov	Wenke
Clemente	Hunter	Plakas	Whitmer
Condino	Jones	Polidori	Williams
DeRoche	Kahn	Proos	Wojno
Dillon	Kehrl	Robertson	Zelenko

### Nays—8

Gosselin	Moolenaar	Nofs	Stahl
Green	Newell	Pearce	Van Regenmorter

In The Chair: Kooiman

The House agreed to the title as amended.

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

Rep. 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

### Motions and Resolutions

Reps. Cheeks, Phillips, Kolb, Farrah, Accavitti, Hood, Wojno, Brown, Adamini, Gillard, Sheen, Meyer, Moolenaar, Steil, Amos, Tobocman, Gaffney, Hune, Anderson, Hunter, Gleason, Garfield, Farhat, Caswell, Hildenbrand, Whitmer, Gonzales, Zelenko, Kathleen Law, Lemmons, III, Ball, Clack, Condino, Dillon, Kooiman, Lipsey, McDowell, Meisner, Miller, Mortimer, Murphy, Polidori, Sak, Spade and Vagnozzi offered the following resolution:

#### House Resolution No. 122.

A resolution congratulating the members and coaches of the Detroit Demolition upon the occasion of its National Women's Football Association Championship.

Whereas, It is a pleasure to join with their families, and all of Michigan in celebrating the achievements of the Detroit Demolition on its wonderful success over this season. With the fine record this squad attained, which has culminated in a National Women's Football Association Championship, this group of disciplined athletes has generated great pride throughout our state; and

Whereas, Much to the delight of their loyal fans, the Demolition have also earned the respect of football followers throughout Michigan with their talent, teamwork, and determination. As opponents have found out all season long, this is a team that brings unity and a positive outlook to all levels of competition. In the face of challenge and pressure, this is a group of people who maintain their focus on making their dreams come true and accepting nothing less than their best effort; and

Whereas, Winning titles or compiling outstanding seasons is never a fluke. While anything can happen in a single game, all teams show their true abilities and dedication over a long season or a difficult tournament. What

distinguishes the best, however, is usually the effort that appears in practice, far removed from the excitement of game day. We admire the efforts, team spirit, and preparation of these talented individuals; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body congratulate the members and coaches of the Detroit Demolition upon the occasion of its National Women's Football Association Championship; and be it further

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

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Clack, Kehrl, Vagnozzi, Zelenko, Byrum, Gonzales, Gleason, Sak, Meisner, Sheltroun, Hansen, Polidori, Spade, Wojno, Byrnes, Plakas, Alma Smith, Espinoza, Hopgood, Kathleen Law, Anderson, Leland, Williams, Gillard, Hunter, Tobocman, Newell, Nofs, Stewart, Moolenaar, Virgil Smith, Farrah, Lipsey, Hood, Kolb, Brown, Adamini, Murphy, Accavitti, Bieda, Donigan, Miller, Vander Veen, Hune, Lemmons, III, Cheeks, Condino, Dillon, Kooiman, McDowell and Mortimer offered the following resolution:

**House Resolution No. 123.**

A resolution to commemorate September 20, 2005, as Take A Loved One To The Doctor Day in the state of Michigan.

Whereas, The "Closing the Health Gap" Campaign (Campaign) was launched by the US Department of Health and Human Services (HHS) and the ABC Radio Networks, in November 2001. The aim of this Campaign was an educational one designed to help make good health an important issue among racial and ethnic populations, who are affected by serious diseases and health conditions at a far greater rates than other Americans. In 2002, the Campaign focused on a series of health messages targeted toward the African-American community. In 2003, the Campaign expanded to include Latino Americans, Asian Americans and Pacific Islanders, American Indians, and Alaska Natives. The purpose of this Campaign is to inform and educate communities of color about the health gap, empower individuals to adopt healthier lifestyles, and obtain access to health care; and

Whereas, Take A Loved One to the Doctor Day (Doctor Day) observance on the third Tuesday in September has become a key element of this Campaign. The focus of the day is to encourage individuals to take charge of their health by visiting a health professional (doctor, nurse, nurse practitioner, or other health provider), making an appointment for a visit, attending a health event in the community or helping a friend, neighbor, or family member to do the same. It was reported that through the Doctor Day, thousands of Americans have shown their families, friends, and colleagues how much they care by taking them to the doctor; and

Whereas, Although the preventive measure of regular doctor visits can possibly add years to someone life; research has shown that many individuals need to be motivated to seek out regular health care. Since most people wait until there is an emergency before they go see a doctor, Doctor Day is an excellent way to screen individuals and where necessary, refer them for follow-up care. Former US Health and Human Services Secretary Tommy Thompson said, "Doctor Day is about bringing people to health care early, when diseases can be prevented or treated successfully. It is also about creating awareness, providing information, and motivating Americans to make healthier lifestyle choices"; and

Whereas, The 2004 Take A Loved One to the Doctor Day National Chairperson Tom Joyner, national syndicated talk show host, said, "We must be willing to take the lead in the health matters that affect us and those we love and it begins with a visit to the doctor. We can each play a role in making our health a priority in our lives"; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the Closing the Health Gap Campaign, and honor the contributions it is making by eliminating health disparities by naming, September 20, 2005, as Take A Loved One to the Doctor Day in the state of Michigan; and be it further

Resolved, We honor and join other organizations throughout the state and this country, as they promote healthier lifestyles among our citizenry, by motivating them to seek regular doctor visits, in the pursuit of the wonderful desire that we will all live healthy lives; and be it further

Resolved, That a copy of this resolution be transmitted to the US Department of Health and Human Services and health care organizations throughout 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 Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

**House Bill No. 5030, entitled**

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," by amending section 11 (MCL 554.611).

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

**House Bill No. 5039, 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," by amending section 1 (MCL 52.201), as amended by 2002 PA 22.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, September 7, 2005

Present: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Accavitti, Donigan and Vagnozzi

Absent: Rep. Van Regenmorter

Excused: Rep. Van Regenmorter

### 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, September 7:

**House Bill Nos. 5115 5116 5117 5118 5119 5120 5121 5122 5123 5124 5125 5126 5127 5128**  
**House Joint Resolution N**

The Clerk announced that the following Senate bills had been received on Wednesday, September 7:

**Senate Bill Nos. 347 501 569 570 648**



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

**House Bill No. 4071, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding section 43540a.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4145, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43540c.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

**House Bill No. 4679, entitled**

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending sections 1, 3, 4, and 7 (MCL 125.1651, 125.1653, 125.1654, and 125.1657), sections 1 and 3 as amended by 2005 PA 13, section 4 as amended by 1987 PA 66, and section 7 as amended by 2004 PA 196.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

**House Bill No. 4915, entitled**

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

**Senate Bill No. 416, entitled**

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending the title and sections 1, 2, and 4 (MCL 722.671, 722.672, and 722.674), section 1 as amended by 2003 PA 192, and by adding sections 12a and 12b, part II, and a heading for part I; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-2) as follows:

1. Amend page 1, line 3, after “**ULTRA-VIOLENT**” by inserting “**EXPLICIT**”.
2. Amend page 2, line 3, after “**ULTRA-VIOLENT**” by inserting “**EXPLICIT**”.
3. Amend page 9, line 1, after “**MEANS**” by striking out the balance of the subdivision and inserting “**AN OBJECT OR DEVICE THAT STORES RECORDED DATA OR INSTRUCTIONS GENERATED BY A PERSON WHO USES IT, AND BY PROCESSING THE DATA OR INSTRUCTIONS CREATES AN INTERACTIVE GAME CAPABLE OF BEING PLAYED, VIEWED, OR EXPERIENCED ON OR THROUGH A COMPUTER, GAMING SYSTEM, GAME CONSOLE, OR OTHER TECHNOLOGY.**”.
4. Amend page 11, line 6, after the second “**THE**” by inserting “**ULTRA-VIOLENT EXPLICIT**”.
5. Amend page 13, line 3, after “effect” by striking out the balance of the enacting section and inserting “December 1, 2005.”.

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

#### **Senate Bill No. 463, entitled**

A bill to amend 1978 PA 33, entitled “An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts,” by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

The Senate has substituted (S-1) the House substitute (H-2).

The Senate has concurred in the House substitute (H-2) as substituted (S-1) and ordered that the bill be given immediate effect.

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

#### **Senate Bill No. 347, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

The Senate has passed the bill.

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

#### **Senate Bill No. 501, entitled**

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

The Senate has passed the bill.

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

#### **Senate Bill No. 569, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as amended by 2001 PA 70.

The Senate has passed the bill.

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

**Senate Bill No. 570, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 39c (MCL 208.39c), as amended by 2001 PA 69.

The Senate has passed the bill.

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

**Senate Bill No. 648, entitled**

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

The Senate has passed the bill.

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

**Senate Concurrent Resolution No. 26.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Kinross Correctional Facility New Power Plant.

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, The site for the Kinross Correctional Facility New Power Plant, which is located in Chippewa County (the "Facility"), is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being MCL § 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Total Facility Cost for the Kinross Correctional Facility New Power Plant shall not exceed \$6,000,000 (the Authority share is \$5,999,900 and the State General Fund/General Purpose share is \$100), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$5,999,900, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$411,000 and \$538,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Appropriations.

### Messages from the Governor

The following message from the Governor was received September 6, 2005 and read:

#### **EXECUTIVE ORDER No. 2005 – 22**

#### **STATE OF ENERGY EMERGENCY**

#### **WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING PROPANE, NATURAL GAS, COMPRESSED NATURAL GAS, AND ETHANOL**

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, under Section 4 of 1982 PA 191, MCL 10.84, during a declared State of Energy Emergency the Governor may by executive order suspend a statute, order, rule of a state agency, or specific provision of a statute, order, or rule if strict compliance with the statute, order, rule, or a specific provision of the statute, order, or rule will prevent, hinder, or delay necessary action in coping with an energy emergency;

WHEREAS, based on the effects of Hurricane Katrina, Executive Order 2005-16 declared a State of Energy Emergency in this state beginning on August 31, 2005;

WHEREAS, because Hurricane Katrina has temporarily halted the off-shore production of petroleum products in the Gulf of Mexico and damaged storage facilities and transportation infrastructure throughout the Gulf Coast region, the effects of Hurricane Katrina are being felt throughout the United States;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a regional transportation emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has also exempted motor carriers and drivers transporting propane, natural gas, compressed natural gas, and ethanol from 49 CFR Parts 390-399 to address transportation needs arising from the impact of Hurricane Katrina. The federal exemption is effective from 1:00 p.m. EDT, September 2, 2005 until 1:00 p.m. EDT, September 14, 2005

WHEREAS, in addition, appropriate measures must be taken at the state level to aid the relief effort, and in response to the energy emergency, to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. Motor carriers and drivers transporting propane, natural gas, compressed natural gas, and ethanol to address transportation needs arising from the impact of Hurricane Katrina are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension under this Order is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.

2. The suspension under this Order is in addition to the suspension provided for the transportation of gasoline, diesel fuel, and jet fuel under Executive Order 2005-17.

3. This Order applies only to propane, natural gas, compressed natural gas, and ethanol. Executive Order 2005-17 applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered.

4. Nothing in this Order shall be construed as an exemption from applicable controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute, order, or rule), applicable size and weight requirements, or any portion of federal regulations not specifically identified.

5. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption and suspension until the out-of-service order expires or the conditions for rescission have been satisfied.

6. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations have a copy of the federal Declaration of Emergency in their possession. A copy of the federal Declaration of Emergency is attached to this Order.

7. The Motor Carrier Division of the Department of State Police shall coordinate state compliance with this Order. This Order is effective until the earliest of any of the following:

a. A finding by the Governor that the State of Energy Emergency declared under Executive Order 2005-16 no longer exists.

b. Rescission of this Order.

c. 1:00 p.m. EDT, Wednesday, September 14, 2005.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 6th day of September, 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

Rep. Cushingberry introduced

**House Bill No. 5129, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g, 33, 34, 34a, 35, 36, 51, 65, and 65a (MCL 791.220g, 791.233, 791.234, 791.234a, 791.235, 791.236, 791.251, 791.265, and 791.265a), section 20g as amended by 2000 PA 211, section 33 as amended by 1998 PA 320, section 34 as amended by 2004 PA 218, sections 34a, 35, and 65a as amended by 1998 PA 315, section 36 as amended by 2003 PA 75, section 51 as amended by 1998 PA 269, and section 65 as amended by 1998 PA 512; and to repeal acts and parts of acts.

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

Rep. Cushingberry introduced

**House Bill No. 5130, entitled**

A bill to amend 1893 PA 118, entitled "An act to revise and consolidate the laws relative to state prisons, to state houses of correction, and branches of state prisons and reformatories, and the government and discipline thereof and to repeal all acts inconsistent therewith," by amending section 33 (MCL 800.33), as amended by 1999 PA 148; and to repeal acts and parts of acts.

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

Rep. Cushingberry introduced

**House Bill No. 5131, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter IX (MCL 769.12), as amended by 1998 PA 317.

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

Reps. Baxter, Gosselin and Vander Veen introduced

**House Bill No. 5132, entitled**

A bill to amend 1982 PA 540, entitled "Library of Michigan act," by amending section 9 (MCL 397.19), as amended by 1983 PA 114.

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

Reps. David Law, Jones, Hildenbrand and Marleau introduced

**House Bill No. 5133, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2005 PA 1, and by adding section 602b.

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

Reps. Accavitti, Polidori, Kehrl, Mayes, Condino, Kolb, Lipsey, Zelenko, Vander Veen, Wojno, Alma Smith, Hune, Vagnozzi and Bieda introduced

**House Bill No. 5134, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 243.

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

Rep. Van Regenmorter introduced

**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 first time by its title and referred to the Committee on Judiciary.

Reps. Whitmer, Brown, Sak, Pastor, Booher, Kooiman, Shaffer, Plakas, Adamini, Espinoza, Phillips, Kathleen Law, Meisner, Hopgood, Kolb, Condino, Donigan, Leland, Angerer, Miller, Tobocman, McConico, Hunter, Lipsey, Alma Smith, Mayes, McDowell, Wojno, Gaffney, Schuitmaker, Gleason, Palsrok, Stakoe, Vander Veen, Hummel, Accavitti, Stahl, Gonzales, Sheltrown, Proos, Byrnes, Zelenko, Lemmons, Jr., Bieda, Anderson, Vagnozzi, Bennett, Waters, Gillard, Williams and Lemmons, III introduced

**House Bill No. 5136, entitled**

A bill to designate the second Friday in May of each year as Military Services Appreciation Day.

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

Reps. Bieda, Alma Smith, Clemente and Condino introduced

**House Bill No. 5137, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 12 and 13 (MCL 207.782 and 207.783), section 12 as amended by 2004 PA 396.

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

Reps. Brandenburg, Garfield, Pastor, Elsenheimer, Drolet, Palsrok, Robertson, Gosselin, Marleau, Shaffer, Steil, Jones, Hansen, Wenke, Nofs, Acciavatti, Emmons, Kahn, Amos, Vander Veen, Gaffney, Hune, Caul, Casperson, Hoogendyk, Baxter, Pearce, Palmer, Hummel, Nitz, Meyer, Stahl, Stewart, Taub, Caswell, Ward, Hildenbrand, David Law and Rocca introduced

**House Bill No. 5138, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3b.

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

Reps. McDowell, Espinoza, Gleason, Alma Smith, Condino, Adamini, Kehrl, Vagnozzi, Sak, Donigan and Wojno introduced

**House Bill No. 5139, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

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

Reps. Vagnozzi, Polidori, Sheltroun, Kehrl, Zelenko, Clack, Brown, Anderson, Bieda, Tobocman, Hopgood, Kathleen Law, Rocca, Miller, Donigan, Wojno, Gillard, Bennett, Plakas and Leland introduced

**House Bill No. 5140, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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

Reps. Gaffney, Mortimer and Hune introduced

**House Bill No. 5141, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 11 (MCL 205.431), as amended by 2004 PA 474.

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

Rep. Casperson introduced

**House Bill No. 5142, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21c to chapter VIII.

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

Rep. Jones introduced

**House Bill No. 5143, entitled**

A bill to clarify the rights and duties of self-defense and the defense of others; to provide for criminal and civil immunity under certain circumstances; to regulate the investigation of incidents involving self-defense or the defense of others; and to provide for certain remedies.

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

By unanimous consent the House returned to the order of

**Notices**

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 4773**.

Rep. McDowell

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 4811**.

Rep. Donigan

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 5071**.

Rep. Donigan

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 5139**.

Rep. McDowell

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Rep. Hopgood moved that the House adjourn.  
The motion prevailed, the time being 2:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 8, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

