

No. 72
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Wednesday, October 8, 2003.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Vander Veen.

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

Accavitti—present	Garfield—present	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—excused	Mortimer—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—excused
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. Randy Richardville, from the 56th District, offered the following invocation:

“Heavenly Father, we come to You humbly today knowing that You gave Your son as an example for us. He said that He came not to be served but to serve others. Please help those of us in this chamber to have that same mind — realize that we are servants of the people that elected us and for the rest of the residents of the State of Michigan. Help us to look beyond parties, races, creeds, religions, colors and realize that You created all of us and You love each of us. Help us keep a mind of respect for one another as we go about the people’s business. Please be mindful of anything that any of these members have, on a personal basis, that they say to themselves now and to You. We thank You for this day. We thank You for our time together. In Jesus’ name. Amen.”

Rep. Waters moved that Reps. Hardman and Stallworth be excused from today’s session.
The motion prevailed.

Associate Speaker Pro Tempore Ehardt assumed the Chair.

Motions and Resolutions

Reps. Gillard, Sheltroun, Meisner, Elkins, Lipsey, Whitmer, Williams, Gleason, Rivet, Farrah, Sak, Hunter, Phillips, Accavitti, Adamini, Anderson, Bradstreet, Byrum, Daniels, Dennis, Ehardt, Jamnick, Kolb, Milosch, Minore, Paletko, Shaffer, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno, Zelenko and Plakas offered the following resolution:

House Resolution No. 139.

A resolution to urge the Department of Defense to select National Guard facilities at Alpena and Grayling as sites for the training of first responders to terrorist emergencies.

Whereas, Among the many lessons learned on and after September 11, 2001, is the critical importance of the initial response to an emergency created by a terrorist attack. As was demonstrated in New York and at the Pentagon, civilian emergency personnel must work smoothly with local and national authorities to ensure the best response in a crisis; and

Whereas, In an effort to enhance significantly our ability to cope with large-scale emergencies, the Department of Defense is expected to establish a series of centers to provide intensive training to first responders. Approaches used in the past need to be modified to prepare for a range of threats that were difficult to imagine only a short time ago. A key part in the new approach is training civilian and military responders together; and

Whereas, Michigan’s National Guard facilities at Grayling and Alpena offer comprehensive resources for this type of training. The Grayling locale’s 147,000 acres and Alpena’s experience in training first responders would be perfect for a limitless range of exercises and conditions. A joint site combining both of these advantages could prove to be very worthwhile to our national effort to do all we can to safeguard our citizens and resources in the face of terrorist threats; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Defense to select National Guard facilities at Alpena and Grayling as sites for the training of first responders to terrorist emergencies; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Defense.

The resolution was referred to the Committee on Government Operations.

Reps. Gillard, Sheltroun, Meisner, Elkins, Lipsey, Whitmer, Williams, Gleason, Rivet, Farrah, Sak, Hunter, Phillips, Accavitti, Adamini, Anderson, Bradstreet, Daniels, Dennis, Ehardt, Jamnick, Kolb, Minore, Paletko, Shaffer, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno, Zelenko and Plakas offered the following concurrent resolution:

House Concurrent Resolution No. 30.

A concurrent resolution to urge the Department of Defense to select National Guard facilities at Alpena and Grayling as sites for the training of first responders to terrorist emergencies.

Whereas, Among the many lessons learned on and after September 11, 2001, is the critical importance of the initial response to an emergency created by a terrorist attack. As was demonstrated in New York and at the Pentagon, civilian emergency personnel must work smoothly with local and national authorities to ensure the best response in a crisis; and

Whereas, In an effort to enhance significantly our ability to cope with large-scale emergencies, the Department of Defense is expected to establish a series of centers to provide intensive training to first responders. Approaches used

in the past need to be modified to prepare for a range of threats that were difficult to imagine only a short time ago. A key part in the new approach is training civilian and military responders together; and

Whereas, Michigan's National Guard facilities at Grayling and Alpena offer comprehensive resources for this type of training. The Grayling locale's 147,000 acres and Alpena's experience in training first responders would be perfect for a limitless range of exercises and conditions. A joint site combining both of these advantages could prove to be very worthwhile to our national effort to do all we can to safeguard our citizens and resources in the face of terrorist threats; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Department of Defense to select National Guard facilities at Alpena and Grayling as sites for the training of first responders to terrorist emergencies; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Defense.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, October 2:

Senate Bill No. 750

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 3:

Senate Bill Nos. 751 752 753 754 755 756 757

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, October 8:

House Bill Nos. 5129 5130 5131 5132 5133 5134 5135 5136 5137 5138 5139 5140 5141 5142

The Clerk announced that the following Senate bills had been received on Wednesday, October 8:

Senate Bill Nos. 46 47 221 474 508 511

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. 4720, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

Nays: None

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

House Bill No. 4722, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 623a and 1274 (MCL 380.623a and 380.1274), section 623a as amended by 1990 PA 159 and section 1274 as amended by 1994 PA 416.

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Spade, Smith, Hopgood, Meisner and Clack

Nays: Rep. Vagnozzi

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 7, 2003, at 2:09 p.m.

Present: Reps. Palmer, Hummel, Meyer, Bradstreet, Hager, Hart, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Smith, Hopgood, Meisner and Clack

The Committee on Tax Policy, by Rep. Sheen, Vice-Chair, reported

House Bill No. 5133, 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," by amending section 24 (MCL 205.24), as amended by 2002 PA 657.

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Sheen, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Stakoe, O'Neil, Minore, Farrah, Bieda and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 8, 2003, at 9:00 a.m.

Present: Reps. Sheen, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Stakoe, O'Neil, Minore, Farrah, Bieda and Condino

Absent: Reps. Wenke, Koetje, Nofs and Zelenko

Excused: Reps. Wenke, Koetje, Nofs and Zelenko

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 8, 2003, at 10:30 a.m.

Present: Reps. Julian, Hune, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood and Condino

Absent: Reps. Bisbee and Gillard

Excused: Reps. Bisbee and Gillard

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 8, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, LaSata, Gaffney, Meisner, Condino and Hood

Absent: Reps. Howell and Nofs

Excused: Reps. Howell and Nofs

Messages from the Senate**Senate Bill No. 46, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 3115 (MCL 324.3115).

The Senate has passed the bill.

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

Senate Bill No. 47, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as added by 2002 PA 30.

The Senate has passed the bill.

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

Senate Bill No. 221, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 43510 and 43516 (MCL 324.43510 and 324.43516), section 43510 as amended by 1996 PA 585 and section 43516 as added by 1995 PA 57.

The Senate has passed the bill.

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

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The Senate has passed the bill.

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

Senate Bill No. 508, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2002 PA 278.

The Senate has passed the bill.

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

Senate Bill No. 511, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 160c.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 29.

A concurrent resolution to memorialize the United States Congress to address the issue of traffic stoppages at railroad crossings.

Whereas, Local communities have long tried to address the issue of minimizing traffic stoppages caused by trains traveling within their municipal borders. Slow trains moving through a community bring traffic to a standstill. Even worse, trains may sometimes stop completely, bringing an entire city to a halt and backing up road traffic for blocks

in all directions. Commuters, shoppers, and even emergency vehicles can be trapped on one side of a railroad track, unable to reach the other side for long periods of time; and

Whereas, The State Legislature provided local governments with the means to regulate the length of time that trains may permissibly halt vehicle traffic. The authority to levy fines on train companies that block traffic for too long held the promise of compelling railroad companies to work with local governments to minimize the disruption to lives and commerce that had become routine. Unfortunately, the courts have struck down this state law, arguing that only the federal government may regulate the speed and length of trains operating in interstate commerce; and

Whereas, With local and state options to resolve this local problem foreclosed, it is imperative that the United States Congress exercise its authority to compel a reasonable solution at the federal level. Without Congressional attention, railroad companies will continue to ignore the concerns of local governments, businesses, and citizens who must cope with unreasonable traffic stoppages; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the United States Congress to address the issue of traffic stoppages at railroad crossings; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Bradstreet, Brandenburg, Casperson, Daniels, Ehardt, Elkins, Farhat, Farrah, Gillard, Jamnick, Ruth Johnson, Kolb, Kooiman, Lipsey, Meyer, Nitz, Phillips, Richardville, Sheltroun, Shulman, Taub, Tobocman, Vagnozzi, Vander Veen, Acciavatti and Palmer were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Transportation.

Messages from the Governor

Date: October 7, 2003

Time: 2:35 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4764 (Public Act No. 181, I.E.), being

An act to amend 1972 PA 284, entitled “An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts,” by amending section 791 (MCL 450.1791), as amended by 1993 PA 91, and by adding section 798a.

(Filed with the Secretary of State October 7, 2003, at 3:18 p.m.)

Communications from State Officers

The following communications from the Auditor General were received and read:

October 6, 2003

Enclosed is a copy of the following audit report and/or report summary:

Performance Audit of the Bureau of Regulatory Services,
Department of State,
released October 6, 2003.

October 7, 2003

Enclosed is a copy of the following audit report and/or report summary:

Performance Audit of the Office of Career and Technical Preparation,
Department of Career Development,
released October 7, 2003.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

Introduction of Bills

Rep. Middaugh introduced

House Bill No. 5143, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," (MCL 259.1 to 259.208) by adding section 1b.

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

Reps. Accavitti, Wojno, Vagnozzi, Tobocman, McConico, Plakas, Byrum, Sak, Gielegghem, Minore, Rivet, Ehardt, Gaffney, Ward, Richardville, Woronchak, Condino, Meisner, Anderson, Phillips and Cheeks introduced

House Bill No. 5144, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding part 134; and to repeal acts and parts of acts.

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

Reps. Drolet, Milosch, Brandenburg, Nofs and Tabor introduced

House Bill No. 5145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12753 (MCL 333.12753).

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

Reps. Condino, Bieda, Wojno, Hood, Hunter, Gleason, Zelenko, Woodward, Paletko, Meisner, Williams, Sak, Jamnick, Clack, Lipsey, Sheltroun, Plakas, Vagnozzi, Spade, Law, Gielegghem, Waters, Phillips, Howell, Nofs, Gaffney and Reeves introduced

House Bill No. 5146, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9171.

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

Reps. Reeves, Sak, Spade, Brandenburg, Vagnozzi, Voorhees, Wojno, Hunter, Kooiman, O'Neil, Murphy, Dennis, Stallworth, Byrum, Jamnick, Cheeks, Tobocman, Gillard, Sheltroun, Ehardt, Shaffer, Newell, Palsrok, Walker, Waters, Phillips, Williams, Gleason and Daniels introduced

House Bill No. 5147, entitled

A bill to amend 1981 PA 180, entitled "Older Michiganians act," by amending section 2 (MCL 400.582), as amended by 1987 PA 35, and by adding section 6d.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4386, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

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

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

The motion prevailed.

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

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

Rep. Palmer moved that Rep. Julian be excused temporarily from today's session.
The motion prevailed.

Rep. Hood moved that Rep. Meisner be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4386, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Roll Call No. 521

Yeas—106

Accavitti	Gaffney	Middaugh	Sheen
Acciavatti	Garfield	Milosch	Sheltrown
Adamini	Gielegem	Minore	Shulman
Amos	Gillard	Moolenaar	Smith
Anderson	Gleason	Mortimer	Spade
Bieda	Hager	Murphy	Stahl
Bisbee	Hart	Newell	Stakoe
Bradstreet	Hood	Nitz	Steil
Brandenburg	Hoogendyk	Nofs	Stewart
Brown	Hopgood	O'Neil	Tabor
Byrum	Howell	Paletko	Taub
Casperson	Huizenga	Palmer	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Hunter	Pastor	Vander Veen
Clack	Jamnick	Phillips	Voorhees
Condino	Johnson, Rick	Plakas	Walker
Daniels	Johnson, Ruth	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRoche	Kolb	Richardville	Wenke
DeRossett	Kooiman	Rivet	Whitmer
Drolet	LaJoy	Robertson	Williams
Ehardt	LaSata	Rocca	Wojno
Elkins	Law	Sak	Woodward
Emmons	Lipsey	Shackleton	Woronchak
Farhat	McConico	Shaffer	Zelenko
Farrah	Meyer		

Nays—0

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2004; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance; to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Meisner, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 521. Had I been present, I would have voted ‘yea’.”

Second Reading of Bills

House Bill No. 4916, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 69, p. 1783),

The amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Rep. Kooiman 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. 4916, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

Roll Call No. 522

Yeas—107

Accavitti
Acciavatti
Adamini
Amos

Gaffney
Garfield
Gielegthem
Gillard

Meyer
Middaugh
Milosch
Minore

Sheen
Sheltrown
Shulman
Smith

Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O'Neil	Taub
Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Jamnick	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Koetje	Pumford	Waters
DeRoche	Kolb	Reeves	Wenke
DeRossett	Kooiman	Richardville	Whitmer
Drolet	LaJoy	Rivet	Williams
Ehardt	LaSata	Robertson	Wojno
Elkins	Law	Rocca	Woodward
Emmons	Lipsey	Sak	Woronchak
Farhat	McConico	Shackleton	Zelenko
Farrah	Meisner	Shaffer	

Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

Rep. Kooiman 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. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2504 and 2505 (MCL 339.2504 and 339.2505), section 2504 as amended by 2002 PA 611 and section 2505 as amended by 1988 PA 463.

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

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

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

The motion prevailed.

Rep. Kooiman 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. 5106, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2504 and 2505 (MCL 339.2504 and 339.2505), section 2504 as amended by 2002 PA 611 and section 2505 as amended by 1988 PA 463.

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

Roll Call No. 523**Yeas—107**

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O'Neil	Taub
Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Jamnick	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Koetje	Pumford	Waters
DeRoche	Kolb	Reeves	Wenke
DeRossett	Kooiman	Richardville	Whitmer
Drolet	LaJoy	Rivet	Williams
Ehardt	LaSata	Robertson	Wojno
Elkins	Law	Rocca	Woodward
Emmons	Lipsey	Sak	Woronchak
Farhat	McConico	Shackleton	Zelenko
Farrah	Meisner	Shaffer	

Nays—0

In The Chair: Ehardt

The question being on agreeing to the title of the bill,

Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2501, 2504, and 2505 (MCL 339.2501, 339.2504, and 339.2505), section 2501 as amended by 1994 PA 333, section 2504 as amended by 2002 PA 611, and section 2505 as amended by 1988 PA 463.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

Rep. Pastor moved that the House adjourn.
The motion prevailed, the time being 3:55 p.m.

Associate Speaker Pro Tempore Ehardt declared the House adjourned until Thursday, October 9, at 10:00 a.m.

GARY L. RANDALL
Clerk of the House of Representatives