

No. 11
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, February 17, 2005.

10:30 a.m.

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

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

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

e/d/s = entered during session

Rep. Steve Bieda, from the 25th District, offered the following invocation:

“I would like to dedicate today’s invocation to Sally Chalgian, a civil rights activist and community leader from Macomb County whose funeral is being today held as I speak.

As we gather here on behalf of the people of this state, let us, in recognizing the great diversity represented by the people of Michigan, re-dedicate ourselves to our commitment to serve, and remember the wisdom of Saint John, who challenges us all when he states:

‘How can you say that you love God, whom you do not see, if you do not love your neighbor, who you do see?’

Let us, in the work that we perform and the lives that we lead, remember that however different we may be, there is far more that unites us than divides us.

And let us, as policy-makers of this great state, always endeavor to reflect what is best in our fellow citizens. Amen.”

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

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

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

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

The Speaker Pro Tempore resumed the Chair.

Motions and Resolutions

Rep. Ward moved that Rule 75 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Reps. Ward and Waters offered the following resolution:

House Resolution No. 23.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 35 of the Standing Rules of the House of Representatives be amended to read as follows:

“Names and Number of Members.

Rule 35. (1) All standing committees shall be appointed by the Speaker, except where the House shall otherwise order.

(2) The standing committees of the House and the number of Members shall be as follows:

- (a) Agriculture (11)
- (b) Appropriations (29)
- (c) Banking and Financial Services (9)
- (d) Commerce (19)
- (e) Conservation, Forestry, and Outdoor Recreation (11)
- (f) Education (~~17~~) (19)
- (g) Employment Relations, Training, and Safety (7)
- (h) Energy and Technology (19)
- (i) Family and Children Services (9)
- (j) Government Operations (8)
- (k) Health Policy (17)
- (l) Higher Education and Career Preparation (7)

- (m) House Oversight, Elections, and Ethics (5)
- (n) Insurance (17)
- (o) Judiciary (15)
- ~~(p) Natural Resources, Great Lakes, Land Use, and Environment (15)~~
- ~~(P)(q)~~ Local Government and Urban Policy (11)
- (Q) NATURAL RESOURCES, GREAT LAKES, LAND USE, AND ENVIRONMENT (15)**
- (r) Regulatory Reform (9)
- (s) Senior Health, Security, and Retirement (9)
- (t) Tax Policy (17)
- (u) Transportation (17)
- (v) Veterans Affairs and Homeland Security (9)
- (3) Statutory Standing Committees:
 - (a) Administrative Rules (5)
 - (b) House Fiscal Agency (6)
 - (c) Legislative Council (6)
 - (d) Legislative Retirement (4)
 - (e) Michigan Capitol Committee (4)

(4) Any Member of any committee who is absent from attendance at any such committee meetings for three committee meetings, unless excused from attendance by the committee according to Rule 36, shall be automatically dropped from membership on such committee, and the committee automatically reduced unless the Speaker of the House shall fill such vacancy. Each committee clerk shall keep a record of attendance at all committee meetings, and shall make a written report to the office of the Clerk of the House showing the names of those present, the names of those absent, and the names of those excused from attendance, which shall be entered upon the House Journal. When a Member has been absent for three meetings of a committee without proper excuse, the Clerk of the House shall report the name of such Member, together with the dates of said meetings, to the Speaker of the House, and advise the Member of such action. The Speaker of the House shall then fill such vacancy by appointing a Member to the committee.

(5) The daily House Journal shall report the roll call on all motions to report bills, joint resolutions and reorganization orders. (See Const 1963, Art § 17)

(6) Committees shall adopt a meeting schedule at the commencement of each term which shall be printed in the House Journal. Additional meetings may be called by the Chair or by a majority of the Members in writing to the Clerk of the House. The Chair may cancel any scheduled meeting, except one called by a majority of the Members, by notice to the Members.”

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.

Third Reading of Bills

House Bill No. 4117, entitled

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

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

Rep. Sak moved that Rep. Lemmons, III be excused temporarily from today’s session.

The motion prevailed.

House Bill No. 4197, entitled

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

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

Roll Call No. 8**Yeas—106**

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

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. 4210, entitled**

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

The bill was read a second time.

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 2, line 1, after "fulfilled" by inserting "**OR IMMEDIATELY REPORT THE ACCIDENT TO THE NEAREST OR MOST CONVENIENT POLICE AGENCY OR OFFICER TO FULFILL THE REQUIREMENTS OF SECTION 619(A) AND (B) IF THERE IS A REASONABLE AND HONEST BELIEF THAT REMAINING AT THE SCENE WILL RESULT IN FURTHER HARM**".

2. Amend page 2, line 20, after "fulfilled" by inserting "**OR IMMEDIATELY REPORT THE ACCIDENT TO THE NEAREST OR MOST CONVENIENT POLICE AGENCY OR OFFICER TO FULFILL THE REQUIREMENTS OF SECTION 619(A) AND (B) IF THERE IS A REASONABLE AND HONEST BELIEF THAT REMAINING AT THE SCENE WILL RESULT IN FURTHER HARM**".

3. Amend page 3, line 10, after "**FULFILLED**" by inserting "**OR IMMEDIATELY REPORT THE ACCIDENT TO THE NEAREST OR MOST CONVENIENT POLICE AGENCY OR OFFICER TO FULFILL THE REQUIREMENTS OF SECTION 619(A) AND (B) IF THERE IS A REASONABLE AND HONEST BELIEF THAT REMAINING AT THE SCENE WILL RESULT IN FURTHER HARM**".

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

Rep. Stakoe 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

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4117, entitled

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

(The bill was considered earlier today, see today's Journal p. 175.)

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Hummel, Chair, reported

House Bill No. 4308, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2005

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

Absent: Rep. Brandenburg

Excused: Rep. Brandenburg

Second Reading of Bills

House Bill No. 4308, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; and to provide for the expenditure of the appropriations.

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. Hansen moved to amend the bill as follows:

1. Amend page 7, following line 19, by inserting:

“CORRECTIONS

Sec. 401. It is the intent of the legislature that neither the management services contract nor the lease for the Michigan Youth Correctional Facility in Baldwin shall be canceled prior to October 1, 2005.”.

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

Rep. Hansen demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 9**Yeas—107**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	Sheltrown
Baxter	Gleason	McDowell	Smith, Alma
Bennett	Gonzales	Meisner	Smith, Virgil
Bieda	Gosselin	Meyer	Spade
Booher	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart

Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Walker
Clemente	Hunter	Palsrok	Ward
Condino	Jones	Pastor	Waters
Cushingberry	Kahn	Pavlov	Wenke
DeRoche	Kehrl	Pearce	Whitmer
Dillon	Kolb	Phillips	Williams
Donigan	Kooiman	Plakas	Wojno
Drolet	LaJoy	Polidori	Zelenko
Elsenheimer	Law, David	Proos	

Nays—0

In The Chair: Kooiman

Reps. Ball, Kahn and Moore moved to amend the bill as follows:

1. Amend page 4, following line 11, by inserting:

“Sec. 104. HIGHER EDUCATION

(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION	\$	2,470,600
Total interdepartmental grants and intradepartmental transfers.....		0
ADJUSTED GROSS APPROPRIATION.....	\$	2,470,600
Total federal revenues		0
Total local revenues		0
Total private revenues		0
Total other state restricted revenues		2,470,600
State general fund/general purpose.....	\$	0

(2) MICHIGAN STATE UNIVERSITY

Agricultural experiment station	\$	823,500
Cooperative extension service		1,647,100
GROSS APPROPRIATION	\$	2,470,600

Appropriated from:

Special revenue funds:

Countercyclical budget and economic stabilization fund.....		2,470,600
State general fund/general purpose.....	\$	0”

and adjusting all subtotals, totals, and section 201 accordingly.

The question being on the adoption of the amendment offered by Reps. Ball, Kahn and Moore,

Rep. Ball demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Reps. Ball, Kahn and Moore,

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

Roll Call No. 10

Yeas—106

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrar	Lemmons, Jr.	Sak
Amos	Gaffney	Marleau	Schuitmaker
Anderson	Garfield	Mayes	Shaffer
Angerer	Gillard	McConico	Sheen
Ball	Gleason	McDowell	Sheltrown

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

Nays—1

Drolet

In The Chair: Kooiman

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

The question being on the motion made by Rep. Hummel,

Rep. Whitmer demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Hummel,

The motion prevailed, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 11**Yeas—107**

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

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

Nays—0

In The Chair: Kooiman

By unanimous consent the House returned to the order of
Reports of Select Committees

Joint Committee on Administrative Rules

Notice of Objection

Date: February 17, 2005

Subject: Department of Labor and Economic Growth—Office of Financial and Insurance Services (OFIS)—

Clarification of Reasonable Classification System under Insurance Code (JCAR #05-3; ORR # 2004-022 LG)

The Joint Committee on Administrative Rules has approved and filed, pursuant to section 45a of the Administrative Procedures Act of 1969, MCL 24.245a, this Notice of Objection, to the above proposed administrative rules.

Sincerely,
 Representative James Marleau
 Chair

Reports of Standing Committees

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

House Bill No. 4225, entitled

A bill to amend 1977 PA 89, entitled “State aid to public libraries act,” by amending section 6 (MCL 397.556), as amended by 2001 PA 65.

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, Van Regenmorter, 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. 4227, entitled

A bill to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 15 (MCL 46.415), as amended by 1980 PA 187.

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, Van Regenmorter, 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, February 16, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 17, 2005

Present: Reps. Hune, Robertson, Emmons, Gaffney, Sheen, Hildenbrand, David Law, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno and Condino

Absent: Reps. Ball and Farrah

Excused: Reps. Ball and Farrah

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Casperson, Chair, of the Committee on Conservation, Forestry, and Outdoor Recreation, was received and read:

Meeting held on: Thursday, February 17, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell, Sheltrown and Espinoza

Absent: Rep. Gillard

Excused: Rep. Gillard

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, February 17, 2005

Present: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Reps. Palmer and Ward

Excused: Reps. Palmer and Ward

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 17:

House Bill Nos. 4321 4322 4323 4324

Senate Bill Nos. 202 203 204 205 206 207 208

The Clerk announced that the following Senate bills had been received on Thursday, February 17:

Senate Bill Nos. 69 93

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

Senate Bill No. 69, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1311g (MCL 380.1311g), as added by 1999 PA 23.

The Senate has passed the bill.

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

Senate Bill No. 93, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1163.

The Senate has passed the bill.

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

Notices

February 17, 2005

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 93rd Legislature to the following Statutory Committees for the 2005-2006 Legislative Session:

House Fiscal Agency Governing Board

Reps. Hummel (C), DeRoche, Ward, *Whitmer (Min. VC)*, *Byrum*, *Waters*

Legislative Council

Reps. DeRoche (C), Ward, Gaffney, Meyer, *Byrum (Min. VC)*, *Waters*

Alternates: Booher, Pavlov, *Meisner*

Legislative Retirement Board of Trustees

Reps. Robertson, *Alma Smith* Deferred Vested Member Kim Rhead

Michigan Capitol Committee

Reps. Stahl (C), Stakoe, Hansen, *Bieda*

Law Revision Commission

Reps. Gaffney, *Adamini*

Michigan Commission on Uniform State Laws

Reps. David Law, *Condino*

Library of Michigan Board of Trustees

Reps. Amos, *Vagnozzi*

Sincerely,
Craig DeRoche, Speaker
Michigan House of Representatives

February 17, 2005

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Randall,

Please make note in your records that Representative Robert Gosselin and Representative LaMar Lemmons III have been added to the House Standing Committee on Education.

Thank you for your attention to this matter.

Sincerely,
Craig DeRoche, Speaker
Michigan House of Representatives

Introduction of Bills

Reps. Mortimer, Gaffney and Hune introduced

House Bill No. 4325, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

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

Reps. Garfield, Amos, David Law, Taub, Gosselin, Vander Veen, Robertson, Rocca, Nofs, Shaffer, Jones and Pastor introduced

House Bill No. 4326, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 24f (MCL 211.24f), as amended by 2000 PA 244.

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

Reps. Waters, Cushingberry, Meisner, Alma Smith, Ward, Lemmons, Jr., Gaffney, McConico and Lemmons, III introduced

House Bill No. 4327, entitled

A bill to amend 1965 PA 213, entitled "An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties," by amending section 1 (MCL 780.621), as amended by 2002 PA 472; 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. Drolet, Gosselin, Garfield, Hoogendyk, Sheen and Ward introduced

House Bill No. 4328, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

Reps. Proos, Schuitmaker, Baxter and Tobocman introduced

House Bill No. 4329, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63712 (MCL 324.63712), as added by 1995 PA 57.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Proos, Schuitmaker, Baxter and Tobocman introduced

House Bill No. 4330, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 63706 (MCL 324.63706), as added by 1995 PA 57.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Gleason, Plakas, McDowell, Donigan, Byrnes, Spade, Waters, Bennett, Lemmons, III, Lemmons, Jr., Tobocman, Sheltroun, Cushingberry, Zelenko, Lipsey, Gillard, Gonzales, Murphy, Sak, Brown, Anderson, Williams, Adamini, Kathleen Law, Polidori, Leland, Cheeks, Kolb and Clack introduced

House Bill No. 4331, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11514a.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Brown, Byrnes, Adamini, Sak and Casperson introduced

House Bill No. 4332, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 803s.

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

Reps. Bieda, Vagnozzi, Alma Smith, Leland, Adamini, Miller, Condino, Wojno, Donigan, Tobocman, Rocca, Accavitti, Lipsey, Anderson, Sak, Plakas, Clack, Dillon, Lemmons, Jr., Gillard, Byrnes, Mayes, Hunter, Meisner, Gleason, Kolb, Byrum, Wenke, Stakoe, Gaffney, Hildenbrand, Waters, Hood, Murphy, Whitmer, Lemmons, III, Brown, Nofs, Stewart, Hopgood, Virgil Smith, Kathleen Law, Zelenko, Angerer, Espinoza, Gonzales, Sheltroun, Spade, Clemente, Cushingberry, McConico, McDowell, Acciavatti, Kehrl, Phillips, Vander Veen, Newell, Farrah and Shaffer introduced

House Bill No. 4333, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 758, 759, and 759b (MCL 168.758, 168.759, and 168.759b), section 758 as amended by 1996 PA 207 and section 759 as amended by 1995 PA 261.

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

Reps. Leland, Cushingberry, Accavitti, Clack, Tobocman, Hunter, Murphy, Gillard, Hood, Alma Smith, Plakas, Bieda, Miller, Gonzales, Farrah, Adamini, McConico, Zelenko, Virgil Smith and Lemmons, III introduced

House Bill No. 4334, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2110a (MCL 500.2110a), as added by 1996 PA 514, and by adding section 2402a.

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

Reps. Newell, Meyer, Stahl, Moore, Walker, Gaffney, Garfield, Hildenbrand, Pearce, Pavlov, Emmons, Stakoe, Sheen, Mortimer, Green, Jones, Huizenga, Steil, Casperson, Booher, Nofs, Gleason, Accavitti, Bieda, Dillon, Wojno, Tobocman, Brown, David Law, Farhat, Williams, Elsenheimer, Shaffer, Robertson and Schuitmaker introduced

House Bill No. 4335, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

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

Reps. Newell and Meyer introduced

House Bill No. 4336, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1267 (MCL 380.1267), as amended by 2004 PA 232.

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

Reps. Shaffer, Robertson, Casperson, Rocca, Gosselin and Nofs introduced

House Bill No. 4337, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Reps. Clack, Williams, Farrah, Kathleen Law, Gillard, Meisner, Gonzales, Hunter, Vagnozzi, Gleason, Sak, Zelenko, Hopgood, Tobocman, Donigan, Plakas, Wojno, Polidori, Kehrl, Phillips, Spade and Virgil Smith introduced

House Bill No. 4338, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 303 and 319 (MCL 257.303 and 257.319), as amended by 2004 PA 362.

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

Reps. Clack, Williams, Farrah, Kathleen Law, Gillard, Meisner, Gonzales, Hunter, Vagnozzi, Gleason, Sak, Zelenko, Hopgood, Tobocman, Plakas, Wojno, Sheltroun, Polidori, Kehrl, Spade and Virgil Smith introduced

House Bill No. 4339, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," (MCL 710.21 to 712A.32) by adding section 2f to chapter XIIA.

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

Reps. Clack, Williams, Farrah, Kathleen Law, Gillard, Meisner, Gonzales, Hunter, Vagnozzi, Gleason, Sak, Zelenko, Hopgood, Tobocman, Donigan, Plakas, Polidori, Kehrl, Phillips, Spade and Virgil Smith introduced

House Bill No. 4340, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1599 (MCL 380.1599) and by adding section 1590.

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

Reps. Vagnozzi, Sheltroun, Spade, Kathleen Law, Zelenko, Angerer, Lemmons, Jr., Clack, McConico, Hunter, Tobocman, Donigan, Bieda, Meisner, Sak and Gleason introduced

House Bill No. 4341, entitled

A bill to establish an undergraduate tuition waiver program for certain qualified veterans of the armed forces of the United States; to provide for the administration of the tuition waiver program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

Reps. Moore, Nofs, Ward, Pastor, Baxter, Moolenaar, Vander Veen, Robertson, Palsrok, Hoogendyk, Acciavatti, Drolet, Shaffer, Hansen, Caswell, Steil, Sheen, Green, Taub, Kooiman, LaJoy, Elsenheimer, Proos, Schuitmaker, Wenke, Nitz, Hummel, Jones, Mortimer, Pavlov, Garfield, Pearce, Ball, Caul, Booher, Marleau, Hune, Newell, Huizenga, Emmons, Hildenbrand, Stahl, David Law, Gosselin, Rocca, Van Regenmorter, Kahn, Stewart and Farhat introduced

House Bill No. 4342, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 2003 PA 240; and to repeal acts and parts of acts.

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

Reps. Hunter, Tobocman, Gonzales, Cheeks, Farrah, McConico and Murphy introduced

House Bill No. 4343, entitled

A bill to amend 2002 PA 660, entitled "Consumer mortgage protection act," by amending the title and sections 1, 2, 4, 5, 8, 9, 10, 12, and 15 (MCL 445.1631, 445.1632, 445.1634, 445.1635, 445.1638, 445.1639, 445.1640, 445.1642, and 445.1645); and to repeal acts and parts of acts.

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

Reps. Leland, Tobocman, Gonzales, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4344, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

Reps. Williams, Tobocman, Gonzales, Cheeks, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4345, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4206.

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

Reps. Dillon, Tobocman, Gonzales, Cheeks, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4346, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," (MCL 487.3101 to 487.3804) by adding section 435.

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

Reps. Espinoza, Tobocman, Gonzales, Cheeks, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4347, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," (MCL 490.101 to 490.601) by adding section 425.

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

Reps. Clack, Tobocman, Gonzales, Cheeks, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4348, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," (MCL 491.102 to 491.1202) by adding section 737.

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

Reps. Mayes, Tobocman, Gonzales, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4349, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 24a.

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

Reps. Phillips, Tobocman, Gonzales, Farrah, McConico, Murphy and Hunter introduced

House Bill No. 4350, entitled

A bill to amend 1981 PA 125, entitled "The secondary mortgage loan act," (MCL 493.51 to 493.81) by adding section 24a.

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

Rep. Hildenbrand introduced

House Bill No. 4351, entitled

A bill to amend 1965 PA 166, entitled "An act to require prevailing wages and fringe benefits on state projects; to establish the requirements and responsibilities of contracting agents and bidders; and to prescribe penalties," by amending section 1 (MCL 408.551).

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Hildenbrand, Lemmons, III, Schuitmaker, Lemmons, Jr., Stahl, Espinoza, Taub, Kathleen Law, Sheen, Pearce, Nitz and Drolet introduced

House Bill No. 4352, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36101 (MCL 324.36101), as amended by 2000 PA 262.

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

Reps. Hildenbrand, Lemmons, III, Espinoza, Taub, Vander Veen, Pearce and Hansen introduced
House Bill No. 4353, 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.

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

Reps. Hildenbrand, David Law, Lemmons, III, Schuitmaker, Lemmons, Jr., Rocca, Hune, Gosselin, Baxter, Stahl, Espinoza, Vander Veen, Pearce, LaJoy, Drolet, Hoogendyk, Jones and Taub introduced

House Bill No. 4354, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

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

Reps. Garfield, Drolet, Gosselin, Palmer, Schuitmaker, Rocca, Palsrok, Nofs, Moore, LaJoy, Marleau, Hune, Hildenbrand, Pavlov, Proos, Nitz, Jones, Pearce, David Law, Mortimer, Miller, Spade, Caul, Farhat, Taub, Casperson, Meyer, Stahl, Ward, Sak, Hansen, Vander Veen, Adamini, Brown, Plakas, Accavitti, McConico, Meisner, Stakoe, Huizenga, Robertson, Espinoza, Cushingberry and Polidori introduced

House Joint Resolution F, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article XI, to establish a hiring preference for veterans in the classified state civil service.

The joint resolution was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Reps. Lemmons, III and Lemmons, Jr. introduced

House Joint Resolution G, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, section 8 of article III, sections 1, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 22, 24, 26, 27, 29, 30, 31, 33, 37, 43, 53, and 54 of article IV, sections 2, 3, 6, 7, 13, 18, 20, 25, 26, 28, and 29 of article V, sections 1 and 25 of article VI, section 6 of article VIII, sections 15 and 27 of article IX, section 5 of article X, sections 5 and 7 of article XI, and sections 1 and 3 of article XII; adding section 1a to article IV and a schedule and temporary provisions; and repealing sections 2, 3, 4, 6, and 21 of article IV, to provide for the establishment of a unicameral legislature.

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

Rep. Vagnozzi moved that the House adjourn.

The motion prevailed, the time being 1:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 22, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives