

No. 54
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House of Representatives
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House Chamber, Lansing, Tuesday, June 14, 2005.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Alexander C. Lipsey, from the 60th District, offered the following invocation:

“Excerpt from *The Measure of Our Success: A Letter to My Children and Yours* by Marian Wright Edelman:

We pray for children who sneak popsicles before supper, who erase holes in math workbooks, who can never find their shoes.

And we pray for those who stare at photographers from behind barbed wire, who can't bound down the street in a new pair of sneakers, who never 'counted potatoes,' who are born in places we wouldn't be caught dead, who never go to the circus, who live in an X-rated world.

We pray for children who bring us sticky kisses and fistfuls of dandelions, who hug us in a hurry and forget their lunch money.

And we pray for those who never get dessert, who have no safe blanket to drag behind them, who watch their parents watch them die, who can't find any bread to steal, who don't have any rooms to clean up, whose pictures aren't on anybody's dresser, whose monsters are real.

We pray for children who spend all their allowance before Tuesday, who throw tantrums in the grocery store and pick at their food, who like ghost stories, who shove dirty clothes under the bed, and never rinse out the tub, who get visits from the tooth fairy, who don't like to be kissed in front of the carpool, who squirm in church or temple and scream in the phone, whose tears we sometimes laugh at and whose smiles can make us cry.

And we pray for those whose nightmares come in the daytime, who will eat anything, who have never seen a dentist, who aren't spoiled by anybody, who go to bed hungry and cry themselves to sleep, who live and move, but have no being.

We pray for children who want to be carried and for those who must, for those we never give up on and for those who don't get a second chance.

For those we smother...and for those who will grab the hand of anybody kind enough to offer it.

Help us to offer our hands to them so that no child is left behind because we did not act.

We pray in the name of the one who said, 'Suffer the little children to come unto me and forbid them not, for such is the kingdom of heaven.' Amen.”

Rep. Sak moved that Rep. Zelenko be excused from today's session.
The motion prevailed.

Motions and Resolutions

Reps. Waters, Accavitti, Adamini, Ball, Booher, Brown, Byrum, Caswell, Cheeks, Clack, Condino, Cushingberry, DeRoche, Farrah, Garfield, Gleason, Gonzales, Hansen, Hildenbrand, Hood, Hopgood, Jones, Kehrl, Kooiman, Kathleen Law, Lemmons, III, Lemmons, Jr., Lipsey, Mayes, McDowell, Meisner, Miller, Murphy, Nitz, Pastor, Pearce, Phillips, Plakas, Polidori, Sak, Sheltroun, Virgil Smith, Spade, Tobocman, Vagnozzi and Vander Veen offered the following resolution:

House Resolution No. 91.

A resolution honoring Duffield Elementary School for winning the National Chess Club Championship and Duffield Middle School for being the National Chess Club Championship runner-up.

Whereas, It is with great pleasure that we commend the students, coaches, and parents of Duffield Elementary/Middle School Chess Club upon receiving special honors as the National Chess Club winners. Duffield Elementary placed 4th in the state and then went on to place first in the nation. Duffield Middle School (K-9) placed 6th in the state and then placed 2nd in the nation; and

Whereas, This recognition is a well-earned milestone symbolic of innovation, planning, and the personal commitment of many people who share the belief that chess is a powerful educational tool. Currently, many school administrators realize the tremendous benefit, both socially and scholastically, chess has on students of all ages; and

Whereas, Attaining the level of excellence reflected at Duffield Elementary/Middle School is attributed to a unity of purpose that brings together all the elements of a successful learning environment. This experience enabled them to deal effectively with the wide range of influences necessary to prepare our young people for the challenges of tomorrow; and

Whereas, Principal Donna Nesbitt, Coach Dave Carthen, Coach Kevin Fite, Coach Glenn Smith, Coach Larry Stewart, and the proud parents of Duffield Elementary/Middle School Chess Team realize that chess is a tool that teaches students how to think logically and efficiently. Chess provides challenges for students which motivates them to study and strive for excellence; and

Whereas, Forty-eight percent of Duffield's Chess Team has a grade point average of 3.0 or higher. The team members consist of: Shirley Bass; Janavia Boyd; Tramayne Coody, who placed 19th in the nation (K-9); Vanessa Crater, who won 4½ out of 7 matches at nationals; Christopher Cunningham, who placed 5th in the nation; Nobie Dawsey, who was a bronze medalist at the state tournament; Marquis Edmonson, who placed 11th in the nation going 6-1; Briana Ellington, who was a silver medalist at the state tournament, and tied for 25th in the nation (K-6); Bria Green, who was a gold medalist at the state tournament; Bryon Green, who was a silver medalist at the state tournament; Brandie James, who was a gold medalist at the state tournament; Anthony Jasper; Maurice Jenkins, who placed 3rd in the nation (K-9) and who was a silver medalist at the state tournament and at the Windsor-Detroit tournament; Knydra Jefferson; Jaron Marshall, who placed 1st at nationals (K-6) going 7-0; Aaron Martin, who won 5½ of 7 matches at the nationals; Mica Randolph, who tied for 25th place in nation (K-6); Brejae Redden; Sherman Redden, who was a silver medalist at the state tournament; Stephanie Rittenhouse; Jackie Roberson, who was a silver medalist at the state tournament and a bronze medalist at the Windsor-Detroit tournament; India Spencer, who went 4-3 at nationals; Monet Stokes, who was a silver medalist; Tavonte Tyler, who was a bronze medalist; D'metria Wilson, who placed 9th in the nation and was a bronze medalist; and D'metrius Wilson, who was a silver medalist at the state tournament and at the Windsor-Detroit tournament, now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Duffield Elementary School for winning the National Chess Club Championship and Duffield Middle School for being the National Chess Club Championship runner-up.

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.

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 Friday, June 10:

House Bill Nos.	4904	4905	4906	4907	4908	4909	4910	4911	4912	4913	4914	4915	4916	4917
Senate Bill No.	579													

The Clerk announced the enrollment printing and presentation to the Governor on Monday, June 13, for her approval of the following bills:

Enrolled House Bill No. 4447 at 1:18 p.m.

Enrolled House Bill No. 4551 at 1:20 p.m.

Enrolled House Bill No. 4613 at 1:22 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, June 14:

Senate Bill Nos. 251 353 538

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

Senate Bill No. 167, entitled

A bill to provide for occupational regulatory agencies to allow the use of on-line or other electronic continuing education and continuing competency programs under certain circumstances; to provide for certain powers and duties for certain state regulatory agencies; and to provide for the promulgation of rules.

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. Rocca, Jones, Gaffney, Wojno, McDowell and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, June 14, 2005

Present: Reps. Rocca, Jones, Gaffney, Wojno, McDowell and Virgil Smith

Absent: Reps. Van Regenmorter, Palsrok and Lemmons, III

Excused: Reps. Van Regenmorter, Palsrok and Lemmons, III

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

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 7 as amended by 2004 PA 196, section 3 as amended by 2004 PA 521, and section 4 as amended by 1987 PA 66.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 4733, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner and Tobocman

Nays: None

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

House Bill No. 4734, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

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. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner and Tobocman

Nays: None

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

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.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 525, entitled

A bill to amend 2003 PA 296, entitled "Michigan early stage venture investment act of 2003," by amending sections 5 and 15 (MCL 125.2235 and 125.2245).

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 14, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 14, 2005

Present: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Hood, Gleason and Leland

Notices

Pursuant to Rule 44, the Speaker has made the following reassignments:
Senate Joint Resolution C referred to the Committee on Commerce.
Senate Bill No. 533 referred to the Committee on Commerce.

Communications from State Officers

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

June 9, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of Homeland Security and Emergency Management,
 Department of Military and Veterans Affairs and Department of State Police
 June 2005

June 9, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Performance audit of
 Jackson Community College
 June 2005

June 10, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Financial audit of the
 Michigan Education Trust, Plans B & C
 for the period October 1, 2002 through September 30, 2004.
 Met is a component unit of the State of Michigan

June 10, 2005

Enclosed is a copy of the following audit report and/or report summary:
 Financial audit of the
 Michigan Education Trust Plan D
 for the period October 1, 2002 through September 30, 2004.
 Met is a component unit of the State of Michigan

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

Reps. Ward and Taub introduced
House Bill No. 4918, entitled

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," by amending section 7 (MCL 15.217).

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

Reps. Waters, Taub and Ward introduced
House Bill No. 4919, entitled

A bill to amend 1968 PA 357, entitled "An act to prescribe the powers, duties and functions of the state officers' compensation commission; and to prescribe the powers and duties of the legislature in relation to the commission," by amending sections 3 and 6 (MCL 15.213 and 15.216).

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

Reps. Farhat, Palsrok, Casperson, Emmons, Nitz, Proos, Pavlov, Shaffer, Baxter, Booher, Hansen, Amos and Taub introduced

House Bill No. 4920, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80307, 80309, 81112, and 82105 (MCL 324.80307, 324.80309, 324.81112, and 324.82105), sections 80307, 80309, and 81112 as added by 1995 PA 58 and section 82105 as amended by 1998 PA 297.

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

Rep. Sheen introduced

House Bill No. 4921, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending sections 4o and 8 (MCL 205.54o and 205.58), as amended by 2004 PA 173.

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

Rep. Sheen introduced

House Bill No. 4922, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 38e and 68 (MCL 208.38e and 208.68), section 38e as amended by 2003 PA 273.

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

Rep. Sheen introduced

House Bill No. 4923, 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 sections 3 and 4 (MCL 205.3, and 205.4), section 3 as amended by 2003 PA 92 and section 4 as amended by 2002 PA 657.

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

Rep. Sheen introduced

House Bill No. 4924, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 191 and 352 (MCL 206.191 and 206.352), section 352 as added by 1996 PA 568.

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

Rep. Sheen introduced

House Bill No. 4925, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 6 and 7u (MCL 211.6 and 211.7u), section 7u as amended by 2003 PA 140.

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

Rep. Sheen introduced

House Bill No. 4926, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending sections 23 and 55 (MCL 205.723 and 205.755).

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

Rep. Sheen introduced

House Bill No. 4927, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 4g and 15 (MCL 205.94g and 205.105), section 4g as added by 1985 PA 66.

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

Reps. Palmer, Gosselin, Hoogendyk, Stahl, Drolet, Vander Veen, Gaffney, Taub and Acciavatti introduced
House Bill No. 4928, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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

Reps. Palmer, Gosselin, Hoogendyk, Stahl, Drolet, Vander Veen, Gaffney, Taub and Acciavatti introduced
House Bill No. 4929, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60, and by adding section 1a to article IV.

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

Rep. Elsenheimer introduced

House Bill No. 4930, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1230d.

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

Rep. Schuitmaker introduced

House Bill No. 4931, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

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

Reps. Gaffney, Hune, Hildenbrand, Sheen, Sheltroun, Mortimer, Rocca, Jones, Pavlov, Hoogendyk, Palmer, Stakoe, Ward, Ball, Wojno, Polidori, Gonzales, Angerer, Farrah and Lemmons, III introduced

House Bill No. 4932, 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 first time by its title and referred to the Committee on Education.

Rep. Jones introduced

House Bill No. 4933, 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.

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

Reps. Ball and Schuitmaker introduced

House Bill No. 4934, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

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

Rep. Rocca introduced

House Bill No. 4935, 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.

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

Rep. Baxter introduced

House Bill No. 4936, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5d, and 5e.

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

Rep. David Law introduced

House Bill No. 4937, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

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

Reps. Hune, Gleason, Gaffney, Wojno, Hildenbrand and Mortimer introduced

House Bill No. 4938, entitled

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

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

Reps. Amos, Booher, Mortimer, Garfield, Vander Veen, Stakoe, Hune, Gaffney, Kooiman, Nofs, Nitz, Cheeks, Plakas, Cushingberry, Farrah, Hopgood, Wenke, Casperson, Jones, Green, Meyer and Pearce introduced

House Bill No. 4939, entitled

A bill to amend 1978 PA 59, entitled "Condominium act," by amending sections 8, 37, and 69 (MCL 559.108, 559.137, and 559.169), section 8 as amended by 1982 PA 538 and section 69 as amended by 2002 PA 283.

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

By unanimous consent the House returned to the order of

Second Reading of Bills

House Bill No. 4465, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Conservation, Forestry, and Outdoor Recreation,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4710, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4711, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4712, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41305 (MCL 324.41305), as added by 2003 PA 270.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Pavlov moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4713, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41313.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Concurrent Resolution No. 15.

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

(For text of concurrent resolution, see House Journal No. 52, p. 796.)

(The concurrent resolution was reported by the Committee on Agriculture on June 8, consideration of which, under the rules, was postponed until June 9.)

The question being on the adoption of the concurrent resolution,

Rep. Vagnozzi moved to substitute (H-1) the concurrent resolution as follows:

Substitute for House Concurrent Resolution No. 15.

A concurrent resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer and to memorialize the Congress of the United States to reject plans to privatize Social Security by cutting Social Security's guaranteed benefits and diverting money out of Social Security into private investment accounts and to commit to repaying to the Social Security Trust Fund the monies Congress has taken and spent for other purposes.

Whereas, With alarming swiftness, the Emerald Ash Borer (EAB), an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties, this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive species, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 billion in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive species, but the magnitude of the problem and the immediacy of the issue make it clear we need the prompt assistance of Congress and the USDA; and

Whereas, Social Security's income protections—guaranteed, lifelong benefits, cost-of-living adjustments to guard against inflation, increased benefits for families, greater income replacement for low-income workers, and disability and survivor benefits—are the backbone of retirement security and family protection in the United States; and

Whereas, Social Security provides crucial, often indispensable income protection for the 47 million individuals—one of every six Americans—receiving benefits; and

Whereas, Social Security is the nation's most successful and most important family income protection program, but it has long-term funding needs we should address; and

Whereas, Some policymakers propose to address these needs by cutting guaranteed benefits and privatizing Social Security, that is, diverting one-third or more of workers' payroll tax contributions out of the Social Security Trust Fund and into private investment accounts; and

Whereas, Privatization will worsen Social Security's funding needs by draining resources from the Trust Fund into private accounts, increasing the federal deficit by \$2 trillion over the first decade alone and more in the future and putting us in deeper debt to foreign creditors; and

Whereas, Some officials and members of Congress have suggested the federal government will not pay back the money it has taken from the Social Security Trust Fund over the past 20 years and used for other things, thereby denying working families the money they paid into Social Security and leading to further benefit cuts; and

Whereas, Privatizing Social Security will cut guaranteed benefits by 30 percent for young workers, even for those who do not participate in private accounts. This will cost young workers \$152,000 over the course of their retirements, denying them benefits they have earned and imperiling their economic security; and

Whereas, Cutting guaranteed benefits will hurt the elderly because Social Security is the only secure source of retirement income for most Americans, providing at least one-half the income of nearly two-thirds of older American households and lifting more than 11 million seniors out of poverty; and

Whereas, Cutting guaranteed benefits will hurt women and people of color, as they are more likely than white men to rely on Social Security for most of their retirement income; they earn less than white men and are thus less able to save for retirement; and they are less likely than white men to receive job-based pensions in retirement; and

Whereas, Diverting resources from Social Security to fund private accounts will threaten guaranteed survivor and disability benefits, thus harming working families—particularly African-Americans—as roughly one in five workers dies before retiring and nearly three in 10 become too disabled to work before reaching retirement age; and

Whereas, Privatizing Social Security will burden state and local governments, as cuts in guaranteed benefits will increase demands for public assistance at the very moment growth in the federal deficit due to privatization induces the federal government to shift greater responsibilities onto states and local governments; and

Whereas, Congress should not rush through drastic and damaging changes in Social Security that undermine the fund's family income protections. Instead, Congress should take the time needed to develop careful and thoughtful reforms that address Social Security's funding needs without slashing benefits or exploding the deficit; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer. We further memorialize the Congress of the United States to reject proposals to divert money out of Social Security to fund private accounts; to commit to paying back to the Social Security Trust Fund all of the money it borrowed and spent on other things; to study carefully a variety of potential changes that will address Social Security's problems while ensuring the program will continue to meet its purpose of providing income protection and economic security for America's families; and to strengthen Social Security's family income protections without slashing guaranteed benefits or exploding the deficit; and be it further

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

The question being on the adoption of the substitute (H-1) offered by Rep. Vagnozzi,

Rep. Ward moved that consideration of the concurrent resolution be postponed temporarily.

The motion prevailed.

Second Reading of Bills

House Bill No. 4714, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41321.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4715, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41323.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4716, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41309 (MCL 324.41309), as added by 2003 PA 270.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

Rep. Pavlov moved to substitute (H-4) the bill.

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4560, entitled

A bill to amend 1945 PA 72, entitled "An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts," by amending the title and section 9 (MCL 286.259) and by adding section 10.

(The bill was received from the Senate on June 9, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 53, p. 810.)

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. 192

Yeas—107

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Leland
Lemmons, III
Lemmons, Jr.
Lipse
Marleau

Robertson
Rocca
Sak
Schuitmaker
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
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	

Nays—1

Caswell

In The Chair: Kooiman

Rep. Ward moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.
 The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Hildenbrand moved that Rep. Hummel be excused temporarily from today's session.
 The motion prevailed.

The Speaker laid before the House

House Bill No. 4562, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding sections 28 and 29.

(The bill was received from the Senate on June 9, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 53, p. 811.)

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. 193

Yeas—107

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak

Amos	Farrah	Lipsey	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
Brandenburg	Hansen	Moolenaar	Stakoe
Brown	Hildenbrand	Moore	Steil
Byrnes	Hood	Mortimer	Stewart
Byrum	Hoogendyk	Murphy	Taub
Casperson	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	

Nays—1

Caswell

In The Chair: Kooiman

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

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

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

(The bill was received from the Senate on June 9, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 53, p. 811.)

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. 194

Yeas—104

Accavitti	Emmons	Lemmons, III	Robertson
Acciavatti	Espinoza	Lemmons, Jr.	Rocca
Adamini	Farhat	Lipsey	Sak
Amos	Farrah	Marleau	Schuitmaker

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

Nays—4

Caswell	Drolet	Garfield	Gosselin
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In The Chair: Kooiman

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

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

The House agreed to the full title of the bill.

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

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

The motion prevailed.

Senate Bill No. 251, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The Senate has passed the bill.

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

Senate Bill No. 353, entitled

A bill to operate certain programs in the Michigan strategic fund; and to impose certain duties and responsibilities on certain state employees and public employees.

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. 538, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

The Senate has passed the bill.

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

Rep. Leland moved that the House adjourn.

The motion prevailed, the time being 3:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, June 15, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives