

No. 95
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, November 2, 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—excused	Emmons—present	Leland—excused	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—excused	Rocca—present
Adamini—present	Farhat—present	Lemmons, Jr.—excused	Sak—excused
Amos—present	Farrah—present	Lipsey—excused	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—excused
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—excused	Sheltrown—present
Baxter—present	Gleason—excused	McDowell—present	Smith, Alma—excused
Bennett—present	Gonzales—excused	Meisner—excused	Smith, Virgil—excused
Bieda—excused	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—excused	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—excused
Byrnes—excused	Hood—excused	Mortimer—present	Stewart—present
Byrum—excused	Hoogendyk—present	Murphy—excused	Taub—present
Casperson—present	Hopgood—excused	Newell—present	Tobocman—excused
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—excused
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—excused	Hune—present	Palmer—present	Vander Veen—present
Clack—excused	Hunter—excused	Palsrok—present	Walker—present
Clemente—excused	Jones—present	Pastor—present	Ward—excused
Condino—excused	Kahn—present	Pavlov—present	Waters—excused
Cushingberry—excused	Kehrl—excused	Pearce—present	Wenke—excused
DeRoche—excused	Kolb—excused	Phillips—excused	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—excused
Donigan—excused	LaJoy—present	Polidori—present	Wojno—excused
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—excused		

e/d/s = entered during session

Rep. Shelley Goodman Taub from the 40th District, offered the following invocation:

“Dear Lord, today let us live through the next 24 hours and not try to tackle all of life’s problems.

Today let each one of us improve our body, mind and spirit.

Today let us refuse to spend time worrying about what might happen if...

Today let us not imagine what we would do if things were different. They are not different so let’s do our best with what we have.

Today let us find the grace to let go of resentments of others and self-condemnation over past mistakes.

Today let us try not to change or improve anyone except ourselves.

Today let us be unafraid and enjoy what is beautiful knowing that as we give to the world, the world will give to us. Amen.”

Rep. Whitmer moved that Reps. Accavitti, Bieda, Byrnes, Byrum, Clemente, Cushingberry, Donigan, Gleason, Gonzales, Hopgood, Hunter, Kehrl, Kolb, Kathleen Law, Leland, Lemmons, III, Lemmons, Jr., Lipsey, McConico, Meisner, Miller, Murphy, Phillips, Sak, Alma Smith, Virgil Smith, Tobocman, Vagnozzi, Waters, Williams and Wojno be excused from today’s session.

The motion prevailed.

Rep. Palmer moved that Reps. DeRoche, Shaffer, Steil, Ward and Wenke be excused from today’s session.

The motion prevailed.

Second Reading of Bills

House Bill No. 5275, entitled

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

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

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

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

The motion prevailed.

House Bill No. 5276, entitled

A bill to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” (MCL 28.241 to 28.248) by adding section 2a.

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

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 1, line 3, after “**IMPRESSIONS**” by inserting “**OR IMAGES**”.

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

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

The motion prevailed.

House Bill No. 5277, entitled

A bill to amend 1974 PA 163, entitled “L.E.I.N. policy council act of 1974,” by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 2, line 25, by striking out all of subparagraph (v) and renumbering the remaining subparagraph. The motion prevailed and the amendment was 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.

Senate Bill No. 648, entitled

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

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

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

Rep. Condino moved to amend the bill as follows:

1. Amend page 3, line 2, by striking out all of subparagraph (v) and renumbering the remaining subparagraph. The motion prevailed and the amendment was 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.

Senate Bill No. 789, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5204 (MCL 324.5204), as added by 2002 PA 397.

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

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

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5201 (MCL 324.5201), as added by 2002 PA 397.

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

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

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 799, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5301 (MCL 324.5301), as amended by 2002 PA 397.

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

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

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

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

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

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported
House Bill No. 4129, entitled

A bill to establish a teachers loan forgiveness program for eligible new teachers in at-risk schools and shortage areas; to establish a teachers loan forgiveness fund and to provide for its administration; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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. Wenke, Emmons, Palmer and Ward

Nays: None

The Committee on Higher Education and Career Preparation, by Rep. Wenke, Chair, reported
House Bill No. 5210, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," by amending section 300 (MCL 16.400).

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. Wenke, Emmons, Palmer, Ward and Byrnes

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

Present: Reps. Wenke, Emmons, Palmer, Ward and Byrnes

Absent: Reps. Lipsey and Kehrl

Excused: Reps. Lipsey and Kehrl

The Committee on Agriculture, by Rep. Nitz, Chair, reported
House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by repealing section 10 (MCL 287.900).

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Sheltroun

Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

House Bill No. 5346, entitled

A bill to amend 1976 PA 412, entitled "An act to provide for the suppression of serious diseases among bees; to prescribe certain powers and duties of the director of the department of agriculture; and to repeal certain acts and parts of acts," by amending section 11 (MCL 286.811), as amended by 1993 PA 108.

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. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Spade and Sheltroun

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 1, 2005

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

Absent: Rep. Kathleen Law

Excused: Rep. Kathleen Law

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Nofs, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Wednesday, November 2, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon and Mayes

Absent: Reps. Moore, Accavitti, Murphy, Hunter, Hopgood and Clemente

Excused: Reps. Moore, Accavitti, Murphy, Hunter, Hopgood and Clemente

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, November 2, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Dillon and Mayes

Absent: Reps. Hunter and Clemente

Excused: Reps. Hunter and Clemente

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palmer, Chair, of the Committee on Education, was received and read:
Meeting held on: Wednesday, November 2, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Ball, Elsenheimer, Hildenbrand, Pearce, Proos and Angerer

Absent: Reps. Vander Veen, Wenke, Hopgood, Miller, Lemmons, III, Virgil Smith, Kehrl and Clack

Excused: Reps. Vander Veen, Wenke, Hopgood, Miller, Lemmons, III, Virgil Smith, Kehrl and Clack

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 Wednesday, November 2:

House Bill Nos.	5381	5382	5383	5384	5385	5386	5387	5388	5389	5390	5391	5392	5393	5394
	5395													
Senate Bill Nos.	853	854	855	856	857	858	859							

Communications from State Officers

The following communication from the Department of Human Services was received and read:

October 27, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Interim	Delta County DHS		CP210201090

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/dhs/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

By unanimous consent the House returned to the order of

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 4315**, Reps. LaJoy, Hoogendyk and Anderson.

Introduction of Bills

Reps. David Law, Vander Veen, Schuitmaker, Jones, Newell, Kahn and Taub introduced

House Bill No. 5396, entitled

A bill to amend 1915 PA 31, entitled "Youth tobacco act," by amending the title and sections 1, 2, and 4 (MCL 722.641, 722.642, and 722.644), the title and section 4 as amended by 1992 PA 272 and sections 1 and 2 as amended by 1988 PA 314.

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

Rep. Gaffney introduced

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

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

Reps. Green and Gaffney introduced

House Bill No. 5398, 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 2005 PA 133.

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

Reps. Condino, Tobocman, Kolb, Alma Smith, Donigan, Cushingberry, Leland, Lipsey, Plakas, Miller, Meisner, Hopgood, Drolet, Byrnes, Anderson, Vagnozzi, Whitmer, Gillard, Accavitti, Clack, Gonzales, Zelenko, Williams, Waters, Polidori, Kathleen Law, Farrah, Bennett and Lemmons, III introduced

House Bill No. 5399, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 24 (MCL 710.24), as amended by 2004 PA 487.

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

Reps. Wenke, Murphy, Jones, Stahl, Newell and Sheltroun introduced

House Bill No. 5400, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 144 (MCL 389.144), as amended by 2003 PA 306, and by adding chapter 6 to part 1.

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

By unanimous consent the House returned to the order of

Notices

Pursuant to Rule 44, the Speaker has made the following reassignments:

House Bill No. 5383 referred to the Committee on Commerce.

House Bill No. 5384 referred to the Committee on Commerce.

House Bill No. 5385 referred to the Committee on Commerce.

Rep. Palsrok moved that the House adjourn.

The motion prevailed, the time being 2:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 3, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

