

No. 45
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Wednesday, May 10, 2006.

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

e/d/s = entered during session

Rep. Tom Pearce, from the 73rd District, offered the following invocation:

“It’s our confession Lord, that we are weak, but You are strong. Today we ask for Your guidance, we ask for Your wisdom, Your discernment, as we look at the ways to lead this state, may they be Your ways. As we look at ways to reach out to the needs of the people of this state, may we do it with Your compassion, Your love, Your justice. As we look at ways to relate to each other, may we do it in a way that honors and pleases You. Be with our soldiers, be with those who guard us, who protect our safety, who fight a fire and put their lives at risk for us. Give each of them an added bonus of Your strength and blessing today. We ask this in Your name, Amen.”

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

Rep. Palmer moved that Reps. Huizenga, Sheen and Stewart be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5875, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 4701 (MCL 600.4701), as amended by 2002 PA 142.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Regulatory Reform (for amendment, see House Journal No. 41, p. 976),

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

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

The motion prevailed.

House Bill No. 5885, entitled

A bill to amend 1931 PA 285, entitled “An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act,” by amending sections 7b, 8, and 8a (MCL 125.37b, 125.38, and 125.38a), sections 7b and 8a as added and section 8 as amended by 2001 PA 265.

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.

House Bill No. 5886, entitled

A bill to amend 1959 PA 168, entitled “An act to provide for township planning; for the creation, organization, powers and duties of township planning commissions; for the regulation and subdivision of land; and to prescribe penalties and provide remedies,” by amending sections 7b, 8, and 9 (MCL 125.327b, 125.328, and 125.329), section 7b as added and sections 8 and 9 as amended by 2001 PA 263.

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.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 6003, 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 11e (MCL 247.661e), as added by 1992 PA 223.

The Senate has passed the bill and ordered that it be given immediate effect.

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

The motion prevailed.

Second Reading of Bills

Senate Bill No. 868, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78 and 78m (MCL 211.78 and 211.78m), section 78 as added by 1999 PA 123 and section 78m as amended by 2003 PA 263.

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

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

The motion prevailed.

House Bill No. 5874, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 104, 601, 602, 603, 604, 728, 1009, 1019, and 2412 (MCL 339.104, 339.601, 339.602, 339.603, 339.604, 339.728, 339.1009, 339.1019, and 339.2412), section 104 as amended by 1996 PA 151, sections 601 and 602 as amended by 2005 PA 278, section 604 as amended by 1989 PA 261, section 728 as amended by 2000 PA 334, sections 1009 and 1019 as amended by 1992 PA 253, and section 2412 as amended by 2001 PA 113, and by adding section 2006; 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 Regulatory Reform,

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, line 20, after "(b)" by striking out "Building design." and inserting "**RESIDENTIAL BUILDING DESIGN. AS USED IN THIS SUBDIVISION, "RESIDENTIAL BUILDING DESIGN" MEANS THE RENDERING OF RESIDENTIAL DESIGN SERVICES FOR A DETACHED 1- AND 2-FAMILY RESIDENCE BUILDING, BY A PERSON EXEMPTED FROM THE REQUIREMENTS OF ARTICLE 20, THROUGH THE MEDIUM OF PRELIMINARY STUDIES AND PLANS, CONSTRUCTION DOCUMENTS, SPECIFICATIONS, DETAILS, SECTIONS, CONSULTATIONS, EVALUATION, REVIEW, AND OTHER MEANS TO PORTRAY AND INFLUENCE THE CONSTRUCTION OF THAT RESIDENCE BUILDING.**"

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

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

The motion prevailed.

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

Rep. Hood asked and obtained an excuse from tomorrow's session.

By unanimous consent the House returned to the order of
Motions and Resolutions

Reps. Palmer, Accavitti, Anderson, Angerer, Ball, Baxter, Bennett, Bieda, Booher, Brandenburg, Brown, Byrum, Caul, Clack, Clemente, Condino, Donigan, Emmons, Farhat, Farrah, Garfield, Gillard, Gleason, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Hopgood, Jones, Kahn, Kolb, Kooiman, LaJoy, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Marleau, Mayes, Meyer, Miller, Moore, Mortimer, Murphy, Nitz, Nofs, Pastor, Pavlov, Pearce, Polidori, Proos, Rocca, Sak, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Stakoe, Taub, Tobocman, Vagnozzi, Vander Veen, Waters and Zelenko offered the following resolution:

House Resolution No. 260.

A resolution recognizing May 7-13, 2006, as Teacher Appreciation Week in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the state of Michigan have made considerable progress in the social, technological, and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize May 7-13, 2006, as Teacher Appreciation Week in the state of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Sak, Accavitti, Adamini, Anderson, Angerer, Ball, Baxter, Bennett, Bieda, Brandenburg, Brown, Byrum, Clack, Clemente, Condino, Donigan, Emmons, Farhat, Farrah, Garfield, Gillard, Gleason, Gonzales, Green, Hildenbrand, Hopgood, Jones, Kahn, Kolb, Kooiman, LaJoy, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Marleau, Mayes, McDowell, Meisner, Meyer, Miller, Moore, Mortimer, Murphy, Nofs, Palmer, Plakas, Polidori, Rocca, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Tobocman, Vagnozzi, Vander Veen, Waters and Zelenko offered the following resolution:

House Resolution No. 261.

A resolution recognizing May 9, 2006, as Teacher Appreciation Day in the state of Michigan.

Whereas, A strong, effective system of free public school education for all children and youth is essential to our democratic system of government; and

Whereas, The United States and the state of Michigan have made considerable progress in the social, technological, and scientific fields due to our system of free and universal public education; and

Whereas, Much of this progress can be attributed to the qualified and dedicated teachers entrusted with the educational development of our children; and

Whereas, Teachers should be accorded high esteem, reflecting the value our community places on public education; and

Whereas, The importance and impact of teachers on children is known nationwide; and

Whereas, It is appropriate that teachers be recognized for their dedication and commitment to educating their students; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize May 9, 2006, as Teacher Appreciation Day in the state of Michigan.

Pending the reference of the resolution to a committee,
Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Hopgood, Amos, Accavitti, Anderson, Angerer, Ball, Bennett, Bieda, Brandenburg, Brown, Byrum, Clack, Clemente, Condino, Donigan, Farrah, Garfield, Gillard, Gleason, Gonzales, Gosselin, Green, Hansen, Hildenbrand, Jones, Kahn, Kolb, Kooiman, LaJoy, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Marleau, Mayes, McDowell, Meisner, Meyer, Miller, Mortimer, Murphy, Palmer, Pastor, Pearce, Plakas, Polidori, Proos, Sak, Sheltroun, Alma Smith, Spade, Stahl, Stakoe, Taub, Tobocman, Vagnozzi, Vander Veen, Walker, Waters and Zelenko offered the following resolution:

House Resolution No. 262.

A resolution declaring May 2006 as Asian Pacific American Heritage Month in the state of Michigan.

Whereas, The state of Michigan is fortunate to have nearly 240,000 citizens of Asian and Pacific Island descent among its population. They have made, and continue to make, significant contributions to our society. Individuals of Asian and Pacific Island origin have come to Michigan from over 30 nations and are excelling in the fields of education, business, the arts, and other various professions; and

Whereas, The dedication and commitment of our Great Lakes state's Asian Pacific American citizens is best reflected in the establishment of many Asian Pacific American organizations and the Governor's Advisory Council on Asian Pacific American Affairs; and

Whereas, Asian Pacific American citizens, through advocating issues of justice and equity, continue to break down the barriers of discrimination, indifference, and intolerance, thereby making it possible for all Asian Pacific Americans to move to the forefront of social, cultural, political, and economic arenas; and

Whereas, The state of Michigan is proud of its cultural diversity and welcomes the opportunity to honor our Asian Pacific American citizens for their commitment to leadership, dedication to knowledge, and determination to succeed; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2006 as Asian Pacific American Heritage Month in the state of Michigan. We urge all citizens to recognize the many accomplishments and contributions that Asian Pacific Americans have made to our state, nation, and world.

Pending the reference of the resolution to a committee,
Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reports of Standing Committees

The Committee on Education, by Rep. Mortimer, Vice-Chair, reported

House Concurrent Resolution No. 35.

A concurrent resolution to request the Department of Community Health, the Department of Labor and Economic Growth, and the Department of History, Arts and Libraries be added as co-chairs to the Michigan After-School Partnership, to urge the partnership to expand and add additional programs, and to urge the partnership to report on its progress in reaching its goals.

(For text of concurrent resolution, see House Journal No. 39, p. 936.)

With the recommendation that the concurrent resolution be adopted.
The concurrent resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Mortimer, Meyer, Wenke, Ball, Hildenbrand, Pearce, Proos, Robertson, Hopgood, Miller, Angerer, Virgil Smith, Clack, Vagnozzi and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 10, 2006

Present: Reps. Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Robertson, Hopgood, Miller, Angerer, Virgil Smith, Clack, Vagnozzi and Polidori

Absent: Rep. Palmer

Excused: Rep. Palmer

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 5217, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2003 PA 31.

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. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca, Lipsey, Adamini and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, May 10, 2006

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Rep. McConico

Excused: Rep. McConico

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

House Bill No. 5172, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 2003 PA 69, and by adding section 48.

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. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported
House Bill No. 5937, entitled

A bill to regulate persons who receive contributions for purposes of defending elected officials from criminal, civil, and administrative actions; to regulate contributions made for purposes of defending elected officials from criminal, civil, and administrative actions; to require certain reports to be filed; to prescribe certain powers and duties of the secretary of state; and to prescribe penalties and civil sanctions.

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. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on House Oversight, Elections, and Ethics, was received and read:

Meeting held on: Wednesday, May 10, 2006

Present: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

Senate Bill No. 1171, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 168 (MCL 750.168).

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. Garfield, Moore, Mortimer, Pavlov, Espinoza, Sheltroun, Spade and Polidori

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

Senate Bill No. 1199, entitled

A bill to allow the requiring of a permit before demonstrating outside of locations in which a funeral service is being held; to allow local units of government to prohibit certain conduct at or near the locations in which a funeral service is being held; to prescribe the powers and duties of certain local governments and officials; and to provide for penalties.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 7, after "church," by inserting "synagogue, mosque, any other place of worship,".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Espinoza, Sheltroun, Spade and Polidori

Nays: None

The Committee on Veterans Affairs and Homeland Security, by Rep. Garfield, Chair, reported

Senate Bill No. 1229, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2003 PA 268.

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. Garfield, Moore, Mortimer, Pavlov, Espinoza, Sheltroun, Spade and Polidori

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Garfield, Chair, of the Committee on Veterans Affairs and Homeland Security, was received and read:

Meeting held on: Wednesday, May 10, 2006

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Espinoza, Sheltroun, Spade and Polidori

Absent: Rep. Rocca

Excused: Rep. Rocca

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: Tuesday, May 9, 2006

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

Absent: Reps. Ward and Elsenheimer

Excused: Reps. Ward and Elsenheimer

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, May 10:

House Bill Nos. 6042 6043

Senate Bill Nos. 1255 1256 1257 1258

The Clerk announced that the following Senate bills had been received on Wednesday, May 10:

Senate Bill Nos. 837 1004 1128 1226 1234

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5045, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5144, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40120.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5313, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 28 (MCL 211.28), as amended by 1993 PA 292.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 2511.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

House Bill No. 4108, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 2976.

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

House Bill No. 5421, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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

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

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

House Bill No. 5422, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 34 and 42 (MCL 791.234 and 791.242), section 34 as amended by 2004 PA 218.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of

the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 42 (MCL 791.242).

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

House Bill No. 5531, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a and 520c (MCL 750.520a and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

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

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

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

House Bill No. 5532, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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

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

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

House Bill No. 5869, 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 sections 2, 3, and 10 (MCL 722.112, 722.113, and 722.120), section 2 as amended by 1983 PA 150, section 3 as amended by 1980 PA 232, and section 10 as amended by 1994 PA 205.

The Senate has amended the bill as follows:

1. Amend page 7, line 11, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) Senate Bill No. 1133.

(b) House Bill No. 5860."

The Senate has passed the bill as amended and ordered that it be given immediate effect.

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

Senate Bill No. 718, entitled

A bill to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 3, line 22, after "**SECTION**" by striking out "**520B(2)(B)**" and inserting "**520B(2)(C)**".

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 837, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2006 PA 42.

The Senate has passed the bill.

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

Senate Bill No. 1004, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

The Senate has passed the bill.

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

Senate Bill No. 1128, entitled

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 15a.

The Senate has passed the bill.

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

Senate Bill No. 1226, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 2004 PA 63.

The Senate has passed the bill.

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

Senate Bill No. 1234, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 535 (MCL 750.535), as amended by 2002 PA 720.

The Senate has passed the bill.

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

Communications from State Officers

The following communication from the Department of Environmental Quality was received and read:

May 5, 2006

Section 16908(6) of Part 169, Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, requires the Department of Environmental Quality (DEQ) to report annually to the Legislature on the utilization of revenues of the Scrap Tire Regulatory Fund (Fund). The following is a breakdown of Fiscal Year (FY) 2005 appropriations and expenditures for the Regulatory Program and the Grant Program.

In FY 2005 the Legislature appropriated \$6,649,200 from the Fund, including \$1,399,200 for the Regulatory Program, \$5,150,000 for Scrap Tire Cleanup Grants, Market Development Grants, and End-User Grants, and \$100,000 for Tire Fire Suppression Grants. During FY 2005 \$1,363,000 was expended for the Regulatory Program and \$4,478,900 was expended for Cleanup Grants. There were no dollars expended for Market Development Grants, End-User Grants, or Tire Fire Suppression Grants. A total of \$691,000 was encumbered at the close of FY 2005 for Cleanup Grants and End-User Grants that were awarded but not completed during FY 2005 and have since been completed during FY 2006.

The enclosed table represents the status of the Fund. If you have any questions or require further information, please contact Mr. George Bruchmann, Chief, Waste and Hazardous Materials Division, at 517-373-9523, or you may contact me.

Sincerely,
Steven E. Chester
Director
517-373-7917

The communication was referred to the Clerk.

The following communication from the Auditor General was received and read:

May 9, 2006

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of Cooper Street Correctional Facility,
Department of Corrections
May 2006

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

Introduction of Bills

Reps. Gosselin, Garfield, Hoogendyk, Palmer, Pastor, Drolet, Acciavatti, Baxter, Marleau, Robertson and Hune introduced

House Bill No. 6044, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 9k. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Taub, Farrah, Elsenheimer, Hildenbrand, Stakoe, Amos, Garfield, Leland, Tobocman, Accavitti, Clack, Condino, Clemente, McConico, Hunter and Cheeks introduced

House Bill No. 6045, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 251 (MCL 18.1251), as amended by 1999 PA 8.

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

Reps. Farrah, Taub, Elsenheimer, Hildenbrand, Stakoe, Amos, Garfield, Leland, Tobocman, Accavitti, Clack, Condino, Clemente, McConico, Hunter and Cheeks introduced

House Bill No. 6046, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 2131 (MCL 324.2131), as amended by 2001 PA 174.

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

Reps. Kolb, Lipsey, Vagnozzi and Kathleen Law introduced

House Bill No. 6047, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 21553, 21554, 21555, 21556, 21557, 21558, 21559, 21560, 21561, 21562, and 21563.

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. Moore, Pastor, Meyer and Booher introduced

House Bill No. 6048, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 12703a. 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. Caswell, Gosselin and Sheen introduced

House Bill No. 6049, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 30 (MCL 211.30), as amended by 2003 PA 194.

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

Reps. Proos, Pavlov, David Law, Pearce, Jones, Kahn, Shaffer, Mayes, Emmons, Nofs, Elsenheimer and Taub introduced **House Bill No. 6050, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 874 (MCL 600.874). The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Stakoe, Taub, Amos, Hildenbrand, Gosselin, Sheen, Accavitti, Farrah, Virgil Smith, Kolb, Stahl, Jones, Hansen, Baxter, Marleau, LaJoy, Nitz, Acciavatti, Mortimer, Green and Huizenga introduced

House Bill No. 6051, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4o (MCL 205.54o), 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. Palmer moved that the House adjourn.

The motion prevailed, the time being 3:30 p.m.

Associate Speaker Pro Tempore Caswell declared the House adjourned until Thursday, May 11, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

