

No. 90
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, October 20, 2005.

10:30 a.m.

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

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—excused
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—excused	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—e/d/s	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—excused	Whitmer—present
Dillon—present	Kooiman—present	Plakas—excused	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

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

“Isaiah writes:

Do you not know? Have you not heard?
The Lord is the everlasting God, the Creator of the ends of the earth.
He will not grow tired or weary, and his understanding no one can fathom.
He gives strength to the weary and increases the power of the weak.
Even youths grow tired and weary, and young men stumble and fall;
But those who hope in the Lord will renew their strength.
They will soar on wings like eagles’;
They will run and not grow weary, they will walk and not be faint.

Father, it’s our confession today, that we are weak, but You are strong. Today, I ask that we as Your servants will seek Your strength, Your wisdom and Your discernment as we work at the task You have given us, to serve the people of this great state and to serve them in Your name, for Your honor and for Your glory. Amen.”

The Speaker assumed the Chair.

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

Rep. Gillard moved that Reps. Phillips and Plakas be excused from today’s session.
The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Second Reading of Bills

House Bill No. 4777, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2922 and 2922a (MCL 600.2922 and 600.2922a), section 2922 as amended by 2000 PA 56 and section 2922a as amended by 2002 PA 164.

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. Van Regenmorter moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5257, entitled

A bill to amend 1846 RS 16, entitled “Of the powers and duties of townships, the election and duties of township officers, and the division of townships,” by amending section 78 (MCL 41.78), as amended by 1989 PA 77.

The bill was read a second time.

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

The motion prevailed.

Rep. Hune moved that Rep. Gaffney be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 480, entitled

A bill to amend 1984 PA 233, entitled "Prudent purchaser act," by repealing section 10 (MCL 550.60).

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

Roll Call No. 522

Yeas—104

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 5052, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 2004 PA 474.

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

Roll Call No. 523

Yeas—104

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Stewart, Lipsey, Kooiman, Vander Veen, Gaffney, Pastor, Brandenburg, Condino, Taub, Gleason, Ward, Gillard, Dillon, Ball, Booher, Clemente, Gonzales, Green, Hansen, Leland, Lemmons, III, Lemmons, Jr., Mayes, Mortimer, Pavlov, Pearce, Polidori, Schuitmaker and Sheltrown were named co-sponsors of the bill.

House Bill No. 5133, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 907 (MCL 257.907), as amended by 2005 PA 1, and by adding section 602b.

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

Roll Call No. 524**Yeas—78**

Accavitti	Farrah	Lipsey	Sak
Adamini	Gaffney	Marleau	Schuitmaker
Anderson	Gillard	Mayes	Sheen
Angerer	Gleason	McDowell	Sheltrown
Ball	Green	Meisner	Smith, Virgil
Bieda	Hansen	Meyer	Spade
Booher	Hildenbrand	Moolenaar	Stahl
Brandenburg	Hopgood	Moore	Stakoe
Brown	Hummel	Mortimer	Stewart
Byrnes	Hune	Murphy	Taub

Byrum	Hunter	Newell	Vagnozzi
Caul	Jones	Nofs	Van Regenmorter
Clemente	Kahn	Palsrok	Vander Veen
Condino	Kehrl	Pastor	Walker
DeRoche	Kooiman	Pavlov	Ward
Dillon	LaJoy	Pearce	Wenke
Donigan	Law, David	Polidori	Whitmer
Elsenheimer	Law, Kathleen	Proos	Wojno
Emmons	Lemmons, III	Rocca	Zelenko
Espinoza	Lemmons, Jr.		

Nays—27

Acciavatti	Cushingberry	Hoogendyk	Robertson
Amos	Drolet	Kolb	Shaffer
Baxter	Farhat	Leland	Smith, Alma
Bennett	Garfield	McConico	Tobocman
Casperson	Gonzales	Miller	Waters
Caswell	Gosselin	Nitz	Williams
Cheeks	Hood	Palmer	

In The Chair: Kooiman

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

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

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 605 and 907 (MCL 257.605 and 257.907), section 605 as amended by 2000 PA 97 and section 907 as amended by 2005 PA 1, and by adding section 602b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Kooiman, Meyer, Farrah, Gleason, Wenke, Ward, Dillon, Booher, Clemente, Espinoza, Green, Hansen, Lemmons, III, Lemmons, Jr., McDowell, Mortimer, Pearce and Schuitmaker were named co-sponsors of the bill.

Rep. Tobocman, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted against HB 5133 because I do not believe that the Legislature should be regulating each and every activity of drivers. At some point, we must make general rules to govern bad drivers and inexperienced drivers without regulating the specific activity they pursue in the car. Is a younger driver on a cell phone more dangerous than an older driver eating fast food? How about reading a map? Statistically, driving with children is a more dangerous condition than either of these, but we contain no regulations on such an activity. Is it because younger voters are ineligible to vote?

Simply put, I believe this bill is an overly prescriptive discrimination against younger drivers.”

Reps. Cushingberry, Waters and Gonzales, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5133 because I feel the bill targets only one population of drivers, while more experienced ones may also have issues ‘dialing and driving.’ In addition, the bill does not take into consideration that driving is a very complex task that requires full attention from everyone, not just teenagers. Cell phones are only one component of the distracted driving issue. Drivers can just as easily be distracted by driving while shaving, reading, putting on

makeup, or listening to the radio. In addition, it is likely that enforcing this legislation will be extremely difficult for law enforcement because it must pick and choose which drivers are allowed to use cell phones while driving and which are not. This might lead to arbitrary enforcement.”

Rep. Hood, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5133 because I feel the bill targets only one population of drivers, while more experienced ones may also have issues ‘dialing and driving.’ In addition, the bill does not take into consideration that driving is a very complex task that requires full attention from everyone, not just teenagers. Cell phones are only one component of the distracted driving issue. Drivers can just as easily be distracted by driving while shaving, reading, putting on makeup, or listening to the radio. In addition, it is likely that enforcing this legislation will be extremely difficult for law enforcement because it must pick and choose which drivers are allowed to use cell phones while driving and which are not. This might lead to arbitrary enforcement and the possibility of some form of driver profiling.”

Senate Bill No. 134, 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 passed on October 6, see House Journal No. 85, p. 1873; returned from the Senate per House request, Rule 67 suspended, bill reconsidered and postponed for the day on October 19, see House Journal No. 89, p. 1948.)

The question being on the passage of the bill,

Rep. Van Regenmorter moved to substitute (H-1) the bill.

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

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 525

Yeas—105

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

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2005 PA 139.

The motion prevailed.

The House agreed to the title as amended.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Farhat, Palsrok, Taub, Moore, Walker, Marleau, Baxter, Schuitmaker, Pavlov, Hansen, David Law, Brandenburg, Caswell, Mortimer, Casperson, Ball, Acciavatti, Gosselin, Stakoe, Bieda, Booher, Byrnes, Caul, Cushingberry, Gaffney, Garfield, Gillard, Hildenbrand, Jones, Kooiman, LaJoy, Leland, Lemmons, Jr., Lipsey, Meisner, Meyer, Pearce, Rocca, Sak, Shaffer, Alma Smith, Tobocman, Vander Veen and Wojno offered the following concurrent resolution:

House Concurrent Resolution No. 25.

A concurrent resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan’s jurisdiction and the Great Lakes contain 95 percent of North America’s fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan’s history, culture, and economy. The Great Lakes have for thousands of years supported native communities’ culture and way of life; and

Whereas, The Great Lakes fuel Michigan’s tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state’s economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan’s efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan’s economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the action plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, The action plan includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

The concurrent resolution was referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, October 20, for her approval of the following bill:

Enrolled House Bill No. 4638 at 9:41 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 20:

House Bill Nos.	5331	5332	5333	5334	5335	5336	5337	5338						
Senate Bill Nos.	815	816	817	818	819	820	821	822	823	824	825	826	827	828
	829	830	831	832										

The Clerk announced that the following Senate bills had been received on Thursday, October 20:

Senate Bill Nos. 308 736 789 790 799 800

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5043, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

House Bill No. 5044, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

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.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda

Nays: None

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

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.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

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.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

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

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.

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, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

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, October 19, 2005

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

House Bill No. 5244, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by repealing section 4a (MCL 47.4a).

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

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

House Bill No. 5293, entitled

A bill to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," (MCL 565.451 to 565.453) by adding section 1d.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

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

House Bill No. 5297, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d. Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

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

Senate Bill No. 657, entitled

A bill to amend 1913 PA 275, entitled "An act to authorize the boards of supervisors of counties to create a board of county auditors, appoint such officers, and prescribe their powers, duties and compensation," by amending section 4a (MCL 47.4a); and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, October 19, 2005

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

Absent: Rep. Accavitti

Excused: Rep. Accavitti

The Committee on Insurance, by Rep. Hune, Chair, reported

House Bill No. 4705, entitled

A bill to authorize the administration of a health savings account plan for certain state employees; to provide for its creation and operation; and to prescribe powers and duties of certain state officers and agencies.

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau and Mortimer

Nays: Reps. Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

The Committee on Insurance, by Rep. Hune, Chair, reported

House Bill No. 5332, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2024b.

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. Hune, Emmons, Gaffney, Ball, Hildenbrand, Marleau, Mortimer, Hood, Adamini, Leland, Anderson, Wojno, Condino and Farrah

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 20, 2005

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

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

Senate Concurrent Resolution No. 30.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

(For text of concurrent resolution, see House Journal No. 87, p. 1915.)

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

Nays: None

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

Senate Concurrent Resolution No. 31.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

(For text of concurrent resolution, see House Journal No. 87, p. 1916.)

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

Nays: None

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

Senate Concurrent Resolution No. 32.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovations (Phase II) Literature, Science, and the Arts Building.

(For text of concurrent resolution, see House Journal No. 87, p. 1917.)
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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Alma Smith and Gonzales

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 20, 2005

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

Absent: Reps. Steil, Plakas and Phillips

Excused: Reps. Steil, Plakas and Phillips

Messages from the Senate

House Bill No. 4997, entitled

A bill to amend 1996 PA 354, entitled "Savings bank act," by repealing section 514 (MCL 487.3514).

The Senate has passed the bill by a 2/3 vote, 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. 4998, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by repealing section 1135 (MCL 491.1135).

The Senate has passed the bill by a 2/3 vote, 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. 4999, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," by repealing section 307 (MCL 490.307).

The Senate has passed the bill by a 2/3 vote, 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. 5000, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," by repealing section 4406 (MCL 487.14406).

The Senate has passed the bill by a 2/3 vote, 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. 4133, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1831 (MCL 600.1831), as amended by 1984 PA 29.

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. 4572, 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.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding section 5204a.

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

House Bill No. 4573, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19708 (MCL 324.19708), as added by 2002 PA 397.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), 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. 5047, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 4, 5, 6, 7, and 13 (MCL 125.2004, 125.2005, 125.2006, 125.2007, and 125.2013), sections 4, 5, 6, and 13 as amended by 1987 PA 278, and by adding section 94 and chapter 8A.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), 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.

Senate Bill No. 308, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 6 (MCL 722.676), as amended by 2003 PA 192.

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. 736, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

Senate Bill No. 800, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d.

The Senate has passed the bill.

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

Messages from the Governor

Date: October 19, 2005

Time: 3:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4938 (Public Act No. 176, I.E.), being

An act 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.

(Filed with the Secretary of State October 19, 2005, at 3:52 p.m.)

Communications from State Officers

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

October 18, 2005

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

Performance audit of the Accuracy of Prisoner Release Dates,
Department of Corrections and Department of Information Technology
October 2005

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. Casperson, Elsenheimer, Hansen, Booher, Pavlov, Meyer, Green, Moore, Garfield, Stakoe, Stewart, Proos, Marleau, Jones, LaJoy, Palmer, Ball, Schuitmaker, Caul, Amos, Pearce, Palsrok, Robertson, Baxter, Shaffer, Hummel, Stahl, Hoogendyk, Vander Veen, Drolet, Gosselin, Newell and Taub introduced

House Bill No. 5339, entitled

A bill to amend 1950 PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," by amending section 2 (MCL 254.302).

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

Reps. Casperson, Elsenheimer, Hansen, Booher, Pavlov, Meyer, Green, Moore, Garfield, Stakoe, Stewart, Proos, Marleau, Jones, LaJoy, Palmer, Ball, Schuitmaker, Palsrok, Caul, Pearce, Robertson, Baxter, Shaffer, Amos, Hummel, Stahl, Hoogendyk, Vander Veen, Drolet, Gosselin, Newell and Taub introduced

House Bill No. 5340, entitled

A bill to amend 1965 PA 380, entitled "Executive organization act of 1965," (MCL 16.101 to 16.608) by adding section 359; and to repeal acts and parts of acts.

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

Rep. Hunter introduced

House Bill No. 5341, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 75 (MCL 38.1375), as amended by 1989 PA 194.

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

Reps. Pavlov, Acciavatti, Green, Palmer, Hildenbrand, Taub, Robertson and Moolenaar introduced

House Bill No. 5342, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1281a.

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

Reps. Hildenbrand, Elsenheimer, Stakoe, Casperson, Baxter, Nitz and Walker introduced

House Bill No. 5343, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 81101 (MCL 324.81101), as amended by 2003 PA 111, and by adding section 81101a; and to repeal acts and parts of acts.

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

Reps. Moore, Byrnes, Caul, Palsrok, Gosselin, Proos, Taub, Baxter and Stahl introduced

House Bill No. 5344, entitled

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

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

Reps. Hildenbrand, Green, Vander Veen and Nitz introduced

House Bill No. 5345, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 2005 PA 91.

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

Reps. Stahl, Emmons, Sheltroun, Booher, Hoogendyk, Hummel, Nitz, Baxter, Drolet and Mayes introduced
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.

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

Reps. Stahl, Emmons, Sheltroun, Mayes, Hoogendyk, Nitz, Baxter, Hummel and Drolet introduced
House Bill No. 5347, entitled

A bill to amend 2000 PA 316, entitled "Michigan organic products act," by amending sections 7, 11, 13, 21, 22, 23, 25, 27, and 29 (MCL 286.907, 286.911, 286.913, 286.921, 286.922, 286.923, 286.925, 286.927, and 286.929).

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

Reps. Green, Byrnes, Ball, Kahn, Vander Veen, Shaffer, Zelenko, Hopgood, Polidori, Byrum and Hansen introduced
House Bill No. 5348, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3901 (MCL 500.3901), as added by 1992 PA 84, and by adding section 3902; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Reps. Zelenko, Kathleen Law, Byrum, Angerer, Spade, Williams, Bennett, Waters, Gillard, Gleason, Clack, Plakas, Donigan, Anderson, Vagnozzi, Leland, Miller, Murphy, Hopgood, Alma Smith, Sak, Meisner, Condino, Sheltroun, McDowell, Byrnes, Kolb, Bieda, Tobocman, Newell, Vander Veen, Green, Garfield, Polidori, Kehrl, Brown and Lemmons, III introduced

House Bill No. 5349, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3915, 3927, 3935, and 3942 (MCL 500.3915, 500.3927, 500.3935, and 500.3942), as added by 1992 PA 84, and by adding sections 3906, 3910, 3910a, 3910b, 3925, 3926, 3926a, 3941a, and 3942b.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security, and Retirement.

Rep. Bieda introduced

House Bill No. 5350, entitled

A bill to repeal 1885 PA 4, entitled "An act to authorize the killing of "English sparrows," (MCL 433.271).

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

Rep. Bieda introduced

House Bill No. 5351, entitled

A bill to repeal 1941 PA 152, entitled "An act to provide for the payment of bounties for the killing of starlings and crows; and to prescribe penalties for the violation of the provisions of this act," (MCL 433.301 to 433.304).

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

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5110, 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 1 (MCL 722.111), as amended by 2002 PA 696.

The Senate has amended the bill as follows:

1. Amend page 3, line 25, after "period." by striking out the balance of the subdivision.
2. Amend page 3, line 21, after "residential," by inserting "day,".

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.

Rep. Clack entered the House Chambers.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Nofs, Chair, reported

House Bill No. 5237, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 209, 210, 211, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316a, 317, 318, 320, 321, 322, 351, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2209, 484.2210, 484.2211, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316a, 484.2317, 484.2318, 484.2320, 484.2321, 484.2322, 484.2351, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2503, 484.2504, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, 503, and 604 as amended and sections 214, 316a, and 322 as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 318, 320, 321, 351, 352, 353, 355, 357, 358, 359, and 504 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, and section 505 as added by 1998 PA 260, and by adding section 252; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-3) 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. Nofs, Proos, Drolet, Garfield, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Nays: None

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: Thursday, October 20, 2005

Present: Reps. Nofs, Proos, Drolet, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti, Dillon, Murphy, Mayes, Hunter, Hopgood and Clemente

Absent: Rep. Huizenga

Excused: Rep. Huizenga

Messages from the Governor

Date: October 20, 2005

Time: 9:04 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4852 (Public Act No. 177, I.E.), being

An act to amend 1963 PA 181, entitled "An act to promote safety upon the public highways by regulating the operation of certain vehicles; to provide consistent regulation of these areas by state agencies and local units of government; to establish the qualifications of persons necessary for the safe operation of such vehicles; to limit the hours of service of persons engaged in operating such vehicles; to require the keeping of records of such operations; to provide penalties for the violation of this act; to prescribe the powers and duties of certain state agencies; and to repeal certain acts and parts of acts," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 20, 2005, at 10:30 a.m.)

Date: October 20, 2005

Time: 9:06 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4857 (Public Act No. 178, I.E.), being

An act to amend 1982 PA 432, entitled “An act to regulate persons who transport passengers by motor bus; to prescribe powers and duties for the state transportation department; to impose certain fees; and to impose penalties,” by amending section 31 (MCL 474.131), as amended by 2001 PA 129.

(Filed with the Secretary of State October 20, 2005, at 10:32 a.m.)

Date: October 20, 2005

Time: 9:08 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4858 (Public Act No. 179, I.E.), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 683, 723, 724, 806, and 819a (MCL 257.683, 257.723, 257.724, 257.806, and 257.819a), section 683 as amended by 2000 PA 97, section 723 as amended and section 819a as added by 2003 PA 152, section 724 as amended by 2004 PA 420, and section 806 as amended by 2005 PA 141, and by adding section 312g; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 20, 2005, at 10:34 a.m.)

Date: October 20, 2005

Time: 9:10 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4143 (Public Act No. 180, I.E.), being

An act to amend 1996 PA 160, entitled “An act to establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts,” by amending section 3 (MCL 388.513), as amended by 2004 PA 594.

(Filed with the Secretary of State October 20, 2005, at 10:36 a.m.)

Date: October 20, 2005

Time: 9:12 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4144 (Public Act No. 181, I.E.), being

An act to amend 2000 PA 258, entitled “An act to establish career and technical preparation enrollment options for certain students enrolled in Michigan schools; to prescribe certain duties of public schools and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts,” by amending section 3 (MCL 388.1903), as amended by 2004 PA 592.

(Filed with the Secretary of State October 20, 2005, at 10:38 a.m.)

Date: October 20, 2005

Time: 9:20 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4588 (Public Act No. 184, I.E.), being

An act to amend 1985 PA 87, entitled “An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies,” by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding sections 17a, 19a, 46b, and 80a.

(Filed with the Secretary of State October 20, 2005, at 10:44 a.m.)

Quorum Call

Rep. Stakoe questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 526

Yeas—94

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

In The Chair: Kooiman

By unanimous consent the House returned to the order of
Second Reading of Bills

House Bill No. 5237, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 209, 210, 211, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316a, 317, 318, 320, 321, 322, 351, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2209, 484.2210, 484.2211, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316a, 484.2317, 484.2318, 484.2320, 484.2321, 484.2322, 484.2351, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2503, 484.2504, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, 503, and 604 as amended and sections 214, 316a, and 322 as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 318, 320, 321, 351, 352, 353, 355, 357, 358, 359, and 504 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, and section 505 as added by 1998 PA 260, and by adding section 252; 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-3) previously recommended by the Committee on Energy and Technology,

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

Reps. Drolet and Hune moved to amend the bill as follows:

1. Amend page 42, line 11, by striking out all of subsection (3).

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

Reps. Moore and Mayes moved to amend the bill as follows:

1. Amend page 51, following line 19, by inserting:

"Sec. 316. (1) The commission shall require each provider of residential basic local exchange service to offer certain low income customers the availability of basic local exchange service and access service at reduced rates as described in subsections (2) and (3).

(2) Except as provided under subsections (3) and (4), the rate reductions for low income customers shall be at a minimum, 20% of the basic local exchange rate or \$8.25, which shall be inclusive of any federal contribution, whichever is greater.

(3) If the low income customer is 65 years of age or more, the rate reduction shall be at a minimum, 25% of the basic local exchange rate or ~~\$8.25~~ **\$12.35**, which shall be inclusive of any federal contribution, whichever is greater.

(4) The total reduction under subsection (2) or (3) shall not exceed 100% of all end-user common line charges and the basic local exchange rate. **THE DOLLAR AMOUNTS IN SUBSECTIONS (2) AND (3) SHALL BE ADJUSTED ANNUALLY TO REFLECT ANY INCREASES OR DECREASES IN THE FEDERAL CONTRIBUTION.**

(5) To qualify for the reduced rate under this section, the person's annual income shall not exceed 150% of the federal poverty income standards as determined by the United States office of management and budget and as approved by the state treasurer, **OR THE PERSON MUST PARTICIPATE IN ONE OF THE FOLLOWING FEDERAL ASSISTANCE PROGRAMS:**

(A) MEDICAID.

(B) FOOD STAMPS.

(C) SUPPLEMENTAL SECURITY INCOME.

(D) FEDERAL PUBLIC HOUSING ASSISTANCE.

(E) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(F) NATIONAL SCHOOL LUNCH PROGRAM'S FREE LUNCH PROGRAM.

(G) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

(6) The commission shall establish a rate for each subscriber line of a provider to allow the provider to recover costs incurred under this section.

(7) The commission shall take necessary action to notify the general public of the availability of lifeline services including, but not limited to, public service announcements, newspaper notices, and such other notice reasonably calculated to reach those who may benefit from the services."

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

Rep. Nofs moved to amend the bill as follows:

1. Amend page 25, line 21, after "**THAN**" by striking out "**2**" and inserting "**3**".
2. Amend page 26, line 2, by striking out all of subsection (2) and renumbering the remaining subsections.

3. Amend page 26, line 25, by striking out all of subdivision (C) and inserting:

“(C) A PUBLIC ENTITY THAT IS CURRENTLY PROVIDING TELECOMMUNICATION SERVICES OR THAT HAS HELD A PUBLIC HEARING BY NOVEMBER 1, 2005 ON A PROPOSAL TO PROVIDE TELECOMMUNICATION SERVICES, OR HAS ISSUED A REQUEST FOR BIDS BY NOVEMBER 1, 2005 TO PROVIDE TELECOMMUNICATION SERVICES, OR HAS AN ENFORCEABLE CONTRACT TO BEGIN CONSTRUCTION OF A TELECOMMUNICATION SYSTEM BY NOVEMBER 1, 2005.

(D) A PUBLIC ENTITY THAT IS CURRENTLY PROVIDING SERVICE IN ANOTHER PUBLIC ENTITY’S BOUNDARIES.” and relettering the remaining subdivision.

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

Rep. Taub moved to amend the bill as follows:

1. Amend page 27, following line 2, by inserting:

“(E) SYSTEMS OR SERVICES USED OR OFFERED BY 1 OR MORE PUBLIC ENTITIES OR CONSORTIUMS TO ADVANCE OR PROMOTE THE PUBLIC HEALTH, SAFETY, AND PROVISION OF E-GOVERNMENT SERVICES.”.

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.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5237, entitled

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 209, 210, 211, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316a, 317, 318, 320, 321, 322, 351, 352, 353, 355, 357, 358, 359, 401, 502, 503, 504, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2209, 484.2210, 484.2211, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316a, 484.2317, 484.2318, 484.2320, 484.2321, 484.2322, 484.2351, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2503, 484.2504, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, 503, and 604 as amended and sections 214, 316a, and 322 as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 318, 320, 321, 351, 352, 353, 355, 357, 358, 359, and 504 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, and section 505 as added by 1998 PA 260, and by adding section 252; and to repeal acts and parts of acts.

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

Roll Call No. 527

Yeas—100

Accavitti	Elsenheimer	Law, Kathleen	Rocca
Acciavatti	Espinoza	Leland	Sak
Adamini	Farrah	Lemmons, III	Schuitmaker
Amos	Gaffney	Lemmons, Jr.	Shaffer
Anderson	Garfield	Lipsey	Sheen
Angerer	Gillard	Marleau	Sheltrown
Baxter	Gleason	Mayes	Smith, Alma
Bieda	Gonzales	McConico	Smith, Virgil
Booher	Gosselin	McDowell	Spade
Brandenburg	Green	Meyer	Stahl
Brown	Hansen	Miller	Stakoe
Byrnes	Hildenbrand	Moolenaar	Stewart
Byrum	Hood	Mortimer	Taub
Casperson	Hoogendyk	Murphy	Tobocman

Caswell	Hopgood	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko

Nays—6

Ball	Emmons	Meisner	Moore
Bennett	Farhat		

In The Chair: Kooiman

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

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

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending sections 101, 102, 103, 201, 202, 203, 203a, 204, 205, 210, 213, 214, 301, 302, 303, 304, 305, 306, 307, 309, 309a, 310, 312, 314a, 315, 316, 316a, 317, 321, 352, 353, 355, 357, 358, 359, 401, 502, 505, and 604 (MCL 484.2101, 484.2102, 484.2103, 484.2201, 484.2202, 484.2203, 484.2203a, 484.2204, 484.2205, 484.2210, 484.2213, 484.2214, 484.2301, 484.2302, 484.2303, 484.2304, 484.2305, 484.2306, 484.2307, 484.2309, 484.2309a, 484.2310, 484.2312, 484.2314a, 484.2315, 484.2316, 484.2316a, 484.2317, 484.2321, 484.2352, 484.2353, 484.2355, 484.2357, 484.2358, 484.2359, 484.2401, 484.2502, 484.2505, and 484.2604), sections 101, 103, 201, 203, 203a, 302, 303, 304, 310, 312, 502, and 604 as amended and sections 214 and 316a as added by 2000 PA 295, section 102 as amended by 1998 PA 41, sections 202, 205, 210, 301, 305, 306, 307, 309a, and 401 as amended and sections 317, 321, 352, 353, 355, 357, 358, and 359 as added by 1995 PA 216, section 213 as amended by 2004 PA 591, section 314a as added by 2003 PA 206, section 316 as amended by 1999 PA 31, and section 505 as added by 1998 PA 260, and by adding sections 211a, 252, 301a, 305a, 305b, 310a, and 353a; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Emmons, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

Due to the potential to increase residential and business rates throughout the areas of the state, where competition is nonexistent, I do not support passage.”

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

Notices

Rep. Ward moved that Rule 44 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Pursuant to Rule 44, the Speaker has made the following reassignments:
House Bill No. 5300 referred to the Committee on Government Operations.
House Bill No. 5301 referred to the Committee on Government Operations.
House Bill No. 5302 referred to the Committee on Government Operations.
House Bill No. 5303 referred to the Committee on Government Operations.
House Bill No. 5304 referred to the Committee on Government Operations.
House Bill No. 5305 referred to the Committee on Government Operations.
House Bill No. 5306 referred to the Committee on Government Operations.
House Bill No. 5307 referred to the Committee on Government Operations.
House Bill No. 5308 referred to the Committee on Government Operations.
House Bill No. 5309 referred to the Committee on Government Operations.
House Bill No. 5310 referred to the Committee on Government Operations.

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 4768**.

Rep. Ward

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Joint Resolution No. I**.

Rep. Ward

Rep. Drolet moved that the House adjourn.
The motion prevailed, the time being 6:15 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, October 25, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives