

**No. 87**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**92nd Legislature**  
**REGULAR SESSION OF 2004**

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House Chamber, Lansing, Tuesday, November 30, 2004.

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	Gaffney—present	Meisner—present	Sheen—present
Acciavatti—present	Garfield—present	Meyer—present	Sheltrown—present
Adamini—present	Gieleghem—present	Middaugh—present	Shulman—present
Amos—present	Gillard—present	Milosch—present	Smith—present
Anderson—present	Gleason—present	Minore—present	Spade—present
Bieda—present	Hager—present	Moolenaar—present	Stahl—present
Bisbee—present	Hardman—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hart—excused	Murphy—present	Stallworth—present
Brandenburg—present	Hood—present	Newell—present	Steil—present
Brown—present	Hoogendyk—present	Nitz—present	Stewart—present
Byrum—present	Hopgood—present	Nofs—present	Tabor—present
Casperson—present	Howell—present	O’Neil—present	Taub—present
Caswell—present	Huizenga—present	Palmer—present	Tobocman—present
Caul—present	Hummel—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hune—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Hunter—present	Pastor—present	Vander Veen—present
Condino—present	Jamnack—present	Phillips—excused	Voorhees—present
Daniels—present	Johnson, Rick—present	Plakas—present	Walker—present
Dennis—present	Johnson, Ruth—present	Pumford—present	Ward—present
DeRoche—present	Julian—present	Reeves—e/d/s	Waters—present
DeRossett—present	Koetje—present	Richardville—present	Wenke—present
Dillon—present	Kolb—present	Rivet—present	Whitmer—present
Drolet—present	Kooiman—present	Robertson—present	Williams—excused
Ehardt—present	LaJoy—present	Rocca—present	Wojno—present
Elkins—present	LaSata—present	Sak—present	Woodward—present
Emmons—present	Law—present	Shackleton—present	Woronchak—present
Farhat—present	Lipsey—present	Shaffer—present	Zelenko—present
Farrah—present	McConico—present		

e/d/s = entered during session

Rep. John Pappageorge, from the 41st District, offered the following invocation:

“Lord, we thank You for the opportunity we’ve been given to help chart Michigan’s future. Bless and guide the many people who work so hard to make our deliberations a success as we strive to better the quality of life of our citizens. Help us to be constantly reminded that good public policy must transcend partisanship or individual ambitions. And, let our discussions on the issues of the day be conducted with courtesy, civility and, yes, some humor as well. And, Lord please give us in our own lives the courage to do what is right and the wisdom to understand how we can best make a contribution to the people of our own communities and our state. And, finally, Lord help us to keep our senses about us as we proceed through this lame duck session. We ask this in Your name. Amen.”

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

Rep. Palmer moved that Rep. Hart be excused from today’s session.  
The motion prevailed.

### **Second Reading of Bills**

#### **Senate Bill No. 1386, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2917a.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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**

#### **Senate Bill No. 1386, entitled**

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2917a.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

### **Comments and Recommendations**

Rep. Richardville moved that Rule 82 be suspended.

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

Rep. Richardville moved that the following remarks be printed in the Journal.

The motion prevailed.

Rep. Bisbee:

“Thank you Mister Speaker.

Rick, thank you.

Everybody. I just want to say it has been an absolute thrill and honor to have been up here the last six years representing the citizens of Jackson and the citizens of Michigan. When I came here, probably most of you don’t know,

I had a tough race. And our campaign manager said in the primary don't worry about Lansing because if you don't win the primary it doesn't matter. And then when I won the primary he kept saying don't worry about Lansing because if you don't win the general you're the underdog it doesn't matter. When I first came up here I had no legislative agenda. But I did come up here with one thing – I wanted to be the cheerleader for Jackson, for my district, the 64<sup>th</sup>. Hopefully that is what everyone here is doing – being the cheerleader for back home.

Our biggest problem in Jackson was the fact we had a cap on the Grand River in downtown Jackson where nine kids had been killed. Everybody was fighting over how to get it off. And you know what – I secured the funds. \$1.938 million. And that money stopped kids from being killed. I just look back and say thanks to everyone in here we took care of a problem and kids are no longer being killed there anymore. I could have quit right then. But I didn't.

And then I enjoyed being on commerce. Speaker Rick, thank you for putting me on commerce. I'm a small business owner. It's all about jobs. It's all about employment. Working with MEDC as chair of the commerce committee to give them the tools that they use and the cities use and the counties use has helped not only Jackson by retaining Consumers Energy and Kinder Morgan came to town and core cities legislation. Downtown Jackson is doing wonderfully. It helped the whole state. Many, many cities and communities. It was a thrill to be part of that.

The last one I would like to mention is my first bill I introduced was a constitutional amendment on how we are paid. And there is a lot of pride that goes into changing the constitution and I am very happy about that.

And I just want to thank as I leave certain people. My wife Katie is here today. Katie thank you, I love you. She has put up with a whole lot this past seven years. My boys Leeland and Pete, the young ones at home. I want to thank Jim Murray, he was my chief of staff for three years. Kristen Beltzer, Lance Binoniemi, they have both moved on but they for the last three years have gotten me here. Maggie Sans, Elizabeth Thomas these people have helped out.

It is working with you that helped make Jackson better and helped make the whole state better. I just thank everybody here and I appreciate the past six years and I wish everybody the best of luck.”

Rep. Caul:

“It was a late election night, in November ‘98,  
When I learned voters had elected me, State Representative of this great State.  
How grateful and humbled I was, that night,  
To find out the voters trusted me to do what was right.  
Off to Lansing, I did go,  
With serving on appropriations as my goal.  
With some funds available and a little cash flow,  
We joined together and initiated projects to help our State economy grow.  
Changing times soon appeared,  
But without hesitation, and maybe with just a little fear,  
We continued to move in high gear,  
And provided our State with a balanced budget each year.  
Along the way with your assistance and debate,  
I was fortunate to pass some bills which improved the quality of life for individuals in our state.  
So my sincere gratitude, to those who often worked many hours and very late,  
To keep an aggressive agenda in place.  
A special thanks to Ryan and Matt,  
For years of service as my dedicated office staff.  
And last but not least, my family and friends,  
Who continued to support me to a successful end.  
So as I pass the torch onto Bill, the future of my constituents’ remain in his trustworthy hands,  
I will, in turn, be relaxing on the beach,  
Swimming in the ocean,  
And playing in the sand.”

Rep. Dennis:

“Thank you, Mr. Speaker, through you to the members of this great caucus,

It's been a real pleasure over the last 6 years to represent the people of the 92nd district, but also to represent the rest of the people of this great state because what we do here affects everyone. In 6 years I have met so many people here in Lansing that have made this job easier, who have given service to us as state employees, as caucus staff, as well as my own staff, and I want to thank you from the bottom of my heart for helping me help my constituents of the 92nd district in Muskegon because that's what this is all about.

If anybody thinks this job is about anything else, about whether or not you get invited out to lunch or whether you go to dinner somewhere or whether you get invited to participate in some type of lofty deal, this job has never been about that for me. It's always been about how do I help my constituents work the maze of state government, and I think my staff has done a wonderful job in helping me do that, and I want to thank those throughout the rest of state government who have done the same.

There are people that you see, and I hope myself, I include in that, grow from the first time when you look up at the board and go, ohmigod I'm supposed to vote, to where you are today and when you think about the job that you do and how important the job is that you do, but remember it's always the job about the people. It's never about you, and I hope that, if I can say anything to my colleagues who are going to be remaining over the next couple of years, is that we have are going to see very difficult times, and if anybody thinks they're more important than what happens here or it's all about them., just remember, you can get hit by a car tomorrow and there'll be an election called soon to replace you in this job. We are not irreplaceable; we very much can be replaced, and they try to do that every two years, of course, but if you keep it in your heart and remember it's about what you do for your community back home and as a general thought for the people across this state, you will be a very, very successful state rep.

I'd like to thank the Speaker; I'd like to thank my caucus leader for the opportunities that they have provided me over the past few years, and I'd like to thank those folks who I actually consider friends, Mr. Speaker, for not gaveling me during my speech. I'd like to thank you all for a wonderful 6 years, and I wish the rest of you great luck because this has been the best job I've ever had in my life. Thank you very much."

Rep. DeRossett:

"Thank you Mr. Speaker.

I'd like to thank Speaker Johnson, Minority Leader Byrum, Clerk Randall and your staff, the Sergeants, and all the people who work with us to serve the people of our great state everyday.

It is indeed an honor to address this chamber. It is also an honor to acknowledge my two staff members who have been with me from the beginning; Peter Wills and Rob Macomber. I learned early on in business that you're only as good as the people you surround yourself with and I've been honored to have them serve with me.

I'd also like to thank my wife Sandy of 40 years for her commitment in raising our two beautiful children, our daughter Lori and our son Alan. I can tell you that that partnership has been a winner.

When people came to me in 1997 and asked me to run for office, I can tell you that it was not in my game plan. My wife said that I'd be missing a great opportunity to make a difference for our district if I didn't run. I can tell you that she was right.

For my parents who are listening, I would like to say 'thank you'. I grew up in a very modest household and will share with you one of the many values my parents taught me. My parents not only had a faith, but they taught their faith to my two sisters and me. It was very simple – you treat people how you'd like to be treated. You tell the truth. The work ethic that my father instilled in me was one where you always give back more than you take and one where you always treat people with respect and dignity.

I grew up in the melting pot of the state of Michigan. I grew up in a place called Willow Run. It was a place where many people came for employment. It is where the industrialist Henry Ford left his mark on this state. As I look around this chamber, one that governs the people, I realize that it has a heritage and it has a history. I realize this chamber has a memory. Nearly 1700 people have served in this chamber. It is an awesome responsibility to serve the people.

If I mention Eva McCall Hamilton, I bet that the 24 women in this chamber would realize that she was the first woman elected to the Legislature in 1920 when women weren't granted equal rights. If I mentioned William W. Furguson, the 15 members of the Black Caucus would know exactly who that individual was. He was the first African American elected to this chamber in 1892.

A lot has changed since that time. The people that served many years ago would be awed by the technology we have today, the computers and cell-phones, and our sessions being broadcasted live on T.V. We are living in a changing world. We are going to see a lot of changes in the future as well. I've been honored to chair the Transportation Committee, and believe that transportation is one of the areas where we will see great change. Hydrogen fuel cells will soon replace the fossil fuel automobile. We will not travel by traditional means, but at great rates of speed in aboard new forms of transportation.

This job is about serving. If you came to Lansing and served the people in your district, and did not get sidetracked by thinking it was easier to be served rather than serving those that elected you, then the institutional memory will record that. If you have realized, and lived up to the responsibilities of this position, one that many in this chamber have sacrificed for, then the institutional memory will also record that.

This position is about relationships. I can tell you that one of the greatest pleasures of my second term was the opportunity I had to sit on the opposite side of the aisle because it gave me the chance to get to know every House member.

This has been an awesome six years. It has been awesome because of the people I've met and those I've had the pleasure of serving.

Like my fellow term-limited colleagues, I do not know what the future holds for me, but I prayerfully anticipate what it will be. No matter what happens, or what direction this journey called life takes me, I will be better prepared to face those challenges.

And for my five grandchildren; Emily, Eric, Ethan, Eli, and Cody, I hope that the time we spent here will leave them better educated and more employable. I hope that we've left them with a cleaner environment, and a healthier state to live in.

This morning when I looked in the mirror, I was pleased. Because I truly believe that I will be judged positively by my colleagues, by the institution, and by the people of Washtenaw, Monroe and Lenawee County that I have had the opportunity to represent.

My wish for all of you is that God will bless you, and I hope that the journey called life is one that you will take the opportunity to truly enjoy.

Life is good!"

Rep. Ehardt:

"It has been an honor to serve with each and every one of you. To serve in Government is a more noble calling than most of our constituents understand.

Being a State Representative has been the most rewarding work I have ever done.

It the relationships and the trust that we build amongst our colleagues that allow us to do this job well and I will always treasure the relationship and friendship I have developed over the last 6 years on both sides of the aisles.

I am also certain the citizens of this state are not well served with constant turnover. I only hope that future legislature will help to put this issue back before the people for reconsideration.

Health Care has been the passion of mine for the last 30 years and it is now the #1 one issue affecting the citizen of this great state.

The aging population and advances in Health Care are together creating serious budget concerns. We must start to think out side of the box. The current under funding coupled with exponential growth will create deficits we can not tax our way out of.

Over the last 4 years we have studied our health care system extensively and have left quite a foundation for change to build on.

We have created some very good public policy and a few that may need to be revisited.

I promise to always be available for discussions and help if ever it is desired.

I would like to acknowledge the Health Policy Committee, the DCH appropriations subcommittee, and especially Vice Chair Representative Barb Vander Veen, and Representative Steve Adamini, DCH Chair Representative Gary Newell. Now the people who actually made me look good Heather Scott and Stacey Hettiger the best policy staff you could ever work with.

We come to this town with our values, principles, integrity, and I am proud to say that I will leave with mine still intact.

To my colleges who are leaving with me I wish you the best and to my colleges who remain, on both sides of the aisle, good public policy is the best politics. Keep up the good work, the citizens of this great state are depending on you.

Good bye and God Bless."

By unanimous consent the House returned to the order of

### **Third Reading of Bills**

The House returned to the consideration of

#### **Senate Bill No. 1386, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2917a.

(The bill was considered earlier today, see today's Journal p. 2544.)

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. 919**

#### **Yeas—99**

Accavitti  
Acciavatti

Farrah  
Gaffney

Lipsey  
Meisner

Sheltrown  
Shulman

Adamini	Garfield	Meyer	Spade
Amos	Gielegem	Middaugh	Stahl
Anderson	Gillard	Milosch	Stakoe
Bieda	Gleason	Minore	Stallworth
Bisbee	Hager	Moolenaar	Steil
Brandenburg	Hardman	Mortimer	Stewart
Brown	Hoogendyk	Murphy	Tabor
Casperson	Hopgood	Newell	Taub
Caswell	Howell	Nitz	Tobocman
Caul	Huizenga	Nofs	Vagnozzi
Cheeks	Hummel	Palmer	Van Regenmorter
Clack	Hune	Palsrok	Vander Veen
Condino	Hunter	Pappageorge	Voorhees
Daniels	Jamnick	Pastor	Walker
Dennis	Johnson, Rick	Plakas	Ward
DeRoche	Johnson, Ruth	Pumford	Waters
DeRossett	Julian	Richardville	Wenke
Dillon	Koetje	Rivet	Whitmer
Drolet	Kolb	Rocca	Wojno
Ehardt	Kooiman	Sak	Woodward
Elkins	LaJoy	Shackleton	Woronchak
Emmons	LaSata	Shaffer	Zelenko
Farhat	Law	Sheen	

### Nays—2

McConico

Smith

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“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,”

The House agreed to the full title.

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

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

### Second Reading of Bills

#### Senate Bill No. 1387, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding section 2953a.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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**

**Senate Bill No. 1387, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2953a.

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

**Roll Call No. 920**

**Yeas—103**

Accavitti	Gaffney	Meisner	Sheltrown
Acciavatti	Garfield	Meyer	Shulman
Adamini	Gielegem	Middaugh	Smith
Amos	Gillard	Milosch	Spade
Anderson	Gleason	Minore	Stahl
Bieda	Hager	Moolenaar	Stakoe
Bisbee	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Dennis	Johnson, Rick	Plakas	Walker
DeRoche	Johnson, Ruth	Pumford	Ward
DeRossett	Julian	Richardville	Waters
Dillon	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Wojno
Elkins	LaSata	Sak	Woodward
Emmons	Law	Shackleton	Woronchak
Farhat	Lipsey	Shaffer	Zelenko
Farrah	McConico	Sheen	

**Nays—1**

Koetje

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

"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,"

The House agreed to the full title.

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

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

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

The Speaker laid before the House

**House Bill No. 5336, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2000 PA 279.

(The bill was received from the Senate on November 4, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 9, see House Journal No. 84, p. 2423.)

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 921**

**Yeas—106**

Accavitti	Farrah	McConico	Sheen
Acciavatti	Gaffney	Meisner	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Smith
Anderson	Gillard	Milosch	Spade
Bieda	Gleason	Minore	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Rivet	Wenke
Dillon	Kolb	Robertson	Whitmer
Drolet	Kooiman	Rocca	Wojno
Ehardt	LaJoy	Sak	Woodward
Elkins	LaSata	Shackleton	Woronchak
Emmons	Law	Shaffer	Zelenko
Farhat	Lipsey		

**Nays—0**

In The Chair: Julian

The House agreed to the full title of the bill.

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

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 10:

**Senate Bill Nos. 1477 1478 1479 1480 1481 1482 1483**



The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Friday, November 12:

**House Bill Nos. 6333 6334 6335 6336 6337 6338 6339 6340 6341 6342 6343 6344 6345 6346  
6347 6348 6349 6350 6351 6352 6353 6354 6355 6356**  
**House Joint Resolution EE**

The Clerk announced the enrollment printing and presentation to the Governor on Monday, November 15, for her approval of the following bills:

**Enrolled House Bill No. 4335 at 11:28 a.m.**  
**Enrolled House Bill No. 4336 at 11:30 a.m.**  
**Enrolled House Bill No. 4458 at 11:32 a.m.**  
**Enrolled House Bill No. 4703 at 11:34 a.m.**  
**Enrolled House Bill No. 5414 at 11:36 a.m.**  
**Enrolled House Bill No. 5947 at 11:38 a.m.**  
**Enrolled House Bill No. 5970 at 11:40 a.m.**  
**Enrolled House Bill No. 6047 at 11:42 a.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Monday, November 15:

**Senate Bill Nos. 1484 1485**

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, November 16, for her approval of the following bills:

**Enrolled House Bill No. 4358 at 11:25 a.m.**  
**Enrolled House Bill No. 5457 at 11:27 a.m.**  
**Enrolled House Bill No. 5475 at 11:29 a.m.**  
**Enrolled House Bill No. 5627 at 11:31 a.m.**  
**Enrolled House Bill No. 5839 at 11:33 a.m.**  
**Enrolled House Bill No. 5843 at 11:35 a.m.**  
**Enrolled House Bill No. 5850 at 11:37 a.m.**  
**Enrolled House Bill No. 5851 at 11:39 a.m.**  
**Enrolled House Bill No. 5921 at 11:41 a.m.**

The Clerk announced that the following Senate bills had been received on Tuesday, November 30:

**Senate Bill Nos. 517 1266 1267 1409**

By unanimous consent the House returned to the order of

#### **Reports of Standing Committees**

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

#### **Senate Bill No. 925, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 51501, 51506, 51509, 51510, and 51513 (MCL 324.51501, 324.51506, 324.51509, 324.51510, and 324.51513), as added by 1995 PA 57, and by adding section 51503b.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law and Gleason

Nays: None

The Committee on Great Lakes and Tourism, by Rep. Palsrok, Chair, reported

#### **Senate Bill No. 1278, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80101 (MCL 324.80101), as added by 1995 PA 58, and by adding section 80108a; 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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Palsrok, Brandenburg, Meyer, Law and Gleason  
Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Great Lakes and Tourism, was received and read:

Meeting held on: Tuesday, November 30, 2004  
Present: Reps. Palsrok, Brandenburg, Tabor, Meyer, Law and Gleason  
Absent: Rep. Stallworth  
Excused: Rep. Stallworth

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

**House Bill No. 6032, entitled**

A bill to amend 1967 PA 150, entitled "Michigan military act," by amending section 251 (MCL 32.651), as amended by 1988 PA 246.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nofs, Garfield, Pappageorge, Ruth Johnson, Sheltroun and Spade  
Nays: None

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

**House Resolution No. 305.**

A resolution to memorialize the President and the Congress of the United States to designate the River Raisin Battlefield as a National Battlefield Site.

(For text of resolution, see House Journal No. 80, p. 2175.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nofs, Garfield, Pappageorge, Ruth Johnson, Casperson, Sheltroun and Spade  
Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004  
Present: Reps. Nofs, Garfield, Pappageorge, Ruth Johnson, Woronchak, Casperson, Sheltroun and Spade  
Absent: Reps. Richardville, Woodward and Elkins  
Excused: Reps. Richardville, Woodward and Elkins

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

**House Bill No. 5140, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2002 PA 608.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Bisbee, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Tobocman and Accavitti

Nays: None

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

**Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Bisbee, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, Wenke, Rivet, Tobocman and Accavitti

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Bisbee, Howell, Koetje, Middaugh, Drolet, Palmer, Huizenga, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Murphy, Tobocman and Accavitti

Absent: Reps. DeRoche, Hune and Lipsey

Excused: Reps. DeRoche, Hune and Lipsey

The Committee on Agriculture and Resource Management, by Rep. Meyer, Chair, reported

**Senate Bill No. 1130, entitled**

A bill to amend 1978 PA 361, entitled "Michigan exposition and fairgrounds act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14a, and 15a (MCL 285.161, 285.162, 285.163, 285.164, 285.165, 285.166, 285.167, 285.168, 285.169, 285.170, 285.171, 285.172, 285.173, 285.174a, and 285.175a), sections 2, 5, 6, 7, 8, 9, and 11 as amended and sections 14a and 15a as added by 2000 PA 39, and by adding section 15b.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Meyer, Nitz, DeRossett, Casperson, Hune, Stahl, Spade and Law

Nays: Rep. Sheltroun

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Meyer, Nitz, DeRossett, Casperson, Hune, Stahl, Sheltroun, Rivet, Spade and Law

Absent: Rep. Hager

Excused: Rep. Hager

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**House Bill No. 4787, entitled**

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," (MCL 125.1401 to 125.1499c) by amending the title, as amended by 1984 PA 215, and by adding chapter 3A.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**House Bill No. 4788, entitled**

A bill to establish the Michigan housing and community development fund in the department of treasury; to provide for the administration of the fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit the use of the money in that fund; and to prescribe the powers and duties of certain state officials.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**House Bill No. 6215, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 4 and 5 (MCL 380.4 and 380.5), as amended by 2003 PA 299.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported  
**House Bill No. 6338, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers

and duties; and to repeal certain acts and parts of acts,” by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

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

#### **Senate Bill No. 1341, entitled**

A bill to amend 1966 PA 346, entitled “State housing development authority act of 1966,” by amending sections 32, 32a, 44c, and 44f (MCL 125.1432, 125.1432a, 125.1444c, and 125.1444f), sections 32 and 32a as amended by 2000 PA 257, section 44c as amended by 1996 PA 475, and section 44f as added by 1987 PA 180.

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 and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Stakoe, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Ward, Robertson, DeRossett, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Absent: Reps. Hager and Drolet

Excused: Reps. Hager and Drolet

The Committee on Judiciary, by Rep. Howell, Chair, reported

#### **House Bill No. 6244, entitled**

A bill to amend 1887 PA 128, entitled “An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,” by amending section 3 (MCL 551.103), as amended by 1984 PA 346.

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

1. Amend page 4, following line 17, by inserting:

“Enacting section 1. This amendatory act takes effect April 1, 2005.”.

The bill and amendment were referred to the order of Second Reading of Bills and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Gaffney, Lipsey, Adamini, Bieda, Condino and Smith

Nays: Rep. Garfield

The Committee on Judiciary, by Rep. Howell, Chair, reported

**House Bill No. 6285, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

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

1. Amend page 2, line 16, after "**section**" by striking out "**1307a(c)**" and inserting "**1307a(1)(e)**".

The bill and amendment were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**House Bill No. 6345, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 2004 PA 205, and by adding section 2530b.

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

1. Amend page 5, line 10, after "**litem**" by inserting "**fund**".
2. Amend page 6, following line 4, by inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2005."

The bill and amendments were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Gaffney, Lipsey, Bieda, Condino and Smith

Nays: Reps. Koetje, Pappageorge and Adamini

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1366, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Lipsey, Adamini, Bieda, Condino and Smith

Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1447, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 25a, 25b, 25c, 25d, 25e, 25f, 25g, 25h, and 25i (MCL 552.625a, 552.625b, 552.625c, 552.625d, 552.625e, 552.625f, 552.625g, 552.625h, and 552.625i), sections 25a and 25b as amended and sections 25c, 25d, 25e, 25f, 25g, 25h, and 25i as added by 2002 PA 565.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Van Regenmorter, Koetje, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda and Condino  
Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1448, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," (MCL 552.601 to 552.650) by adding section 24b.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Van Regenmorter, Koetje, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith  
Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1449, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 418.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Van Regenmorter, Koetje, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith  
Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1450, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 3705 (MCL 700.3705).

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Van Regenmorter, Koetje, Voorhees, Gaffney, Wenke, Lipsey, Adamini, Bieda, Condino and Smith  
Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

**Senate Bill No. 1463, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

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

1. Amend page 2, following line 14, by inserting:

"Enacting section 1. This amendatory act takes effect January 2, 2005."

The bill and amendment were referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Howell, Pappageorge, Voorhees, Gaffney, Wenke, Lipsey, Adamini and Bieda

Nays: Rep. Van Regenmorter

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Howell, LaSata, Van Regenmorter, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Lipsey, Adamini, Bieda, Condino and Smith

Absent: Rep. Bradstreet

Excused: Rep. Bradstreet

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

**House Bill No. 5294, 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.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None

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

**House Bill No. 5295, entitled**

A bill to amend 1955 PA 224, entitled "An act to regulate sales at public auction; to provide for the issuing of licenses; and to prescribe penalties for violations of the provisions of this act," by amending sections 1, 2, 3, 4, 5, 6, 7, 9, and 10 (MCL 446.51, 446.52, 446.53, 446.54, 446.55, 446.56, 446.57, 446.59, and 446.60) and by adding sections 1a and 5a.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None

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

**Senate Bill No. 1321, entitled**

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegghem

Nays: None



The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported  
**Senate Bill No. 1434, entitled**

A bill to allow the state to acquire and convey certain parcels of land in Otsego county; to provide conditions for the conveyances; to provide for certain easements; and to provide for disposition of the revenue derived from the conveyances.

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

1. Amend page 2, line 5, after "corporation." by inserting "If any fee, term, or condition for the use of the property is imposed on members of the public, or if any of those fees, terms, or conditions are waived for use of the property, resident and nonresident members of the public shall be subject to the same fees, terms, conditions, and waivers."

The bill and amendment were referred to the order of Second Reading of Bills and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegem

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Rocca, Gaffney, Bisbee, Julian, Palsrok, Sheen, Wojno, Meisner, Hopgood and Gielegem

Absent: Rep. DeRoche

Excused: Rep. DeRoche

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, LaSata, Casperson, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Woodward and Murphy

Absent: Reps. DeRoche, Daniels, Hopgood and Stallworth

Excused: Reps. DeRoche, Daniels, Hopgood and Stallworth

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Rep. Palmer moved that Rep. Pappageorge be excused temporarily from today's session.  
 The motion prevailed.

Rep. Waters moved that Rep. Elkins be excused temporarily from today's session.  
 The motion prevailed.

#### Messages from the Senate

The Speaker laid before the House

**House Bill No. 5347, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a. (The bill was received from the Senate on November 4, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 9, see House Journal No. 84, p. 2424.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 922****Yeas—100**

Accavitti	Farhat	Lipsey	Shaffer
Acciavatti	Farrah	McConico	Sheen
Adamini	Gaffney	Meisner	Sheltrown
Amos	Gielegem	Meyer	Shulman
Anderson	Gillard	Middaugh	Smith
Bieda	Gleason	Milosch	Spade
Bisbee	Hager	Minore	Stakoe
Bradstreet	Hardman	Moolenaar	Stallworth
Brandenburg	Hood	Mortimer	Steil
Brown	Hoogendyk	Murphy	Stewart
Byrum	Hopgood	Newell	Tabor
Casperson	Howell	Nitz	Taub
Caswell	Huizenga	Nofs	Tobocman
Caul	Hummel	O'Neil	Vagnozzi
Cheeks	Hune	Palmer	Van Regenmorter
Clack	Jamnick	Palsrok	Vander Veen
Condino	Johnson, Rick	Pastor	Voorhees
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Julian	Pumford	Waters
DeRoche	Koetje	Richardville	Wenke
DeRossett	Kolb	Rivet	Whitmer
Dillon	Kooiman	Robertson	Wojno
Drolet	LaJoy	Rocca	Woodward
Ehardt	LaSata	Sak	Woronchak
Emmons	Law	Shackleton	Zelenko

**Nays—0**

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Palmer moved that Rep. Hager be excused temporarily from today's session.  
The motion prevailed.

Rep. Waters moved that Rep. Clack be excused temporarily from today's session.  
The motion prevailed.

**Second Reading of Bills****House Bill No. 5078, entitled**

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

(The bill was read a second time, committee substitute (H-3) adopted, amended, amendments offered and bill postponed for the day on November 4, see House Journal No. 84, p. 2414; amendments offered and bill postponed temporarily on November 10, see House Journal No. 86, p. 2496.)

Rep. Vander Veen moved to amend the bill as follows:

1. Amend page 4, line 23, by striking out all of subsection (3) and renumbering the remaining subsection.
2. Amend page 5, line 4, after “**podiatrist**” by inserting a comma and “**or a physical therapist,**”.
3. Amend page 7, line 15, by striking out all of subsection (3) and renumbering the remaining subsection.
4. Amend page 7, line 23, after “**podiatrist**” by inserting a comma and “**or a physical therapist,**”.

The question being on the adoption of the amendments offered previously by Rep. Vander Veen,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

**Roll Call No. 923**

**Yeas—43**

Accavitti	Emmons	Milosch	Stahl
Acciavatti	Garfield	Mortimer	Stakoe
Amos	Hoogendyk	Newell	Steil
Bisbee	Howell	Nitz	Tabor
Bradstreet	Huizenga	O’Neil	Vagnozzi
Casperson	Hummel	Palmer	Vander Veen
Caswell	Johnson, Rick	Pastor	Voorhees
Caul	Johnson, Ruth	Pumford	Walker
Dennis	Koetje	Shackleton	Wenke
Drolet	Kooiman	Shaffer	Woronchak
Ehardt	Middaugh	Sheen	

**Nays—60**

Adamini	Gaffney	Lipsey	Sheltrown
Anderson	Gielegem	McConico	Shulman
Bieda	Gillard	Meisner	Smith
Brandenburg	Gleason	Meyer	Spade
Brown	Hardman	Minore	Stallworth
Byrum	Hood	Moolenaar	Stewart
Cheeks	Hopgood	Murphy	Taub
Condino	Hune	Nofs	Tobocman
Daniels	Hunter	Palsrok	Van Regenmorter
DeRoche	Jamnack	Plakas	Ward
DeRossett	Julian	Richardville	Waters
Dillon	Kolb	Rivet	Whitmer
Elkins	LaJoy	Robertson	Wojno
Farhat	LaSata	Rocca	Woodward
Farrah	Law	Sak	Zelenko

In The Chair: Julian

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Sheltrown be excused temporarily from today’s session.

The motion prevailed.

Rep. Palmer moved that Reps. Ehardt and Emmons be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5078, entitled**

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

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

**Roll Call No. 924**

**Yeas—67**

Accavitti	Farrah	Lipsey	Shaffer
Adamini	Gaffney	McConico	Shulman
Amos	Gielegem	Meisner	Spade
Anderson	Gillard	Meyer	Stallworth
Bieda	Gleason	Minore	Stewart
Brandenburg	Hardman	Moolenaar	Tabor
Brown	Hood	Murphy	Taub
Byrum	Hopgood	Newell	Tobocman
Casperson	Howell	Nitz	Walker
Cheeks	Hummel	Nofs	Ward
Condino	Hune	Palsrok	Waters
Daniels	Jamnick	Richardville	Wenke
Dennis	Johnson, Rick	Rivet	Whitmer
DeRossett	Julian	Robertson	Wojno
Dillon	Kolb	Rocca	Woodward
Elkins	LaSata	Sak	Zelenko
Farhat	Law	Shackleton	

**Nays—32**

Acciavatti	Hoogendyk	Milosch	Stahl
Bisbee	Huizenga	Mortimer	Stakoe
Bradstreet	Hunter	O'Neil	Steil
Caswell	Johnson, Ruth	Palmer	Vagnozzi
Caul	Koetje	Pastor	Van Regenmorter
DeRoche	Kooiman	Plakas	Vander Veen
Drolet	LaJoy	Pumford	Voorhees
Garfield	Middaugh	Sheen	Woronchak

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**Senate Bill No. 753, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; 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 Health Policy,

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

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

The motion prevailed.

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

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

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Rep. Waters moved that Rep. Kolb 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. 753, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5474a; 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. 925**

**Yeas—91**

Accavitti	Farrah	Meyer	Spade
Acciavatti	Gaffney	Middaugh	Stahl
Adamini	Gillard	Minore	Stakoe
Amos	Gleason	Moolenaar	Stallworth
Anderson	Hardman	Mortimer	Steil
Bieda	Hood	Murphy	Stewart
Brandenburg	Hopgood	Newell	Tabor
Brown	Howell	Nitz	Taub
Byrum	Huizenga	Nofs	Tobocman
Casperson	Hummel	O'Neil	Vagnozzi
Caswell	Hune	Palsrok	Van Regenmorter
Caul	Hunter	Pastor	Vander Veen
Cheeks	Jamnick	Plakas	Voorhees
Condino	Johnson, Ruth	Pumford	Walker
Daniels	Julian	Richardville	Ward
Dennis	Koetje	Rivet	Waters
DeRoche	Kooiman	Robertson	Wenke
DeRossett	LaJoy	Rocca	Whitmer
Dillon	LaSata	Sak	Wojno
Ehardt	Law	Shackleton	Woodward
Elkins	Lipsey	Shaffer	Woronchak
Emmons	McConico	Shulman	Zelenko
Farhat	Meisner	Smith	

**Nays—8**

Bisbee	Drolet	Hoogendyk	Palmer
Bradstreet	Garfield	Milosch	Sheen

In The Chair: Julian

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,”

The House agreed to the full title.

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

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

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Rep. Kolb, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 925. Had I been present, I would have voted ‘yea’.”

Rep. Pappageorge, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 922-925. Had I been present, I would have voted ‘yea’.”

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

The motion prevailed.

By unanimous consent the House returned to the order of

#### **Messages from the Senate**

##### **Senate Bill No. 517, entitled**

A bill to amend 1984 PA 427, entitled “Municipal employees retirement act of 1984,” by amending sections 2a, 2b, and 36 (MCL 38.1502a, 38.1502b, and 38.1536), as amended by 1996 PA 220; and to repeal acts and parts of acts.

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. 1266, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30903 and 30927 (MCL 324.30903 and 324.30927), as added by 1995 PA 59, and by adding section 30929.

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. 1267, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 317 (MCL 484.1317) and by adding section 317a.

The Senate has passed the bill.

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

**Senate Bill No. 1409, entitled**

A bill to amend 1992 PA 116, entitled "Records media act," by amending section 3 (MCL 24.403) and by adding section 6.

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.

**Second Reading of Bills****Senate Bill No. 146, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 307b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Transportation,

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

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

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

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

The motion prevailed.

**House Bill No. 5408, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16346 and part 183A.

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

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

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

The motion prevailed.

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

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

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Rep. Reeves entered the House Chambers.

Rep. Waters moved that Rep. Lipsey be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5408, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16346 and part 183A.

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

**Roll Call No. 926****Yeas—62**

Accavitti	Gleason	Nofs	Spade
Amos	Hopgood	O'Neil	Stakoe
Bieda	Howell	Palsrok	Steil
Brown	Huizenga	Pappageorge	Stewart
Casperson	Johnson, Rick	Plakas	Tabor
Caswell	Johnson, Ruth	Pumford	Vagnozzi
Caul	Julian	Richardville	Van Regenmorter
Condino	Koetje	Rivet	Vander Veen
Dennis	Kooiman	Robertson	Voorhees
DeRossett	LaJoy	Rocca	Walker
Ehardt	Meisner	Sak	Ward
Emmons	Meyer	Shackleton	Wenke
Farrah	Moolenaar	Shaffer	Wojno
Gaffney	Mortimer	Sheltrown	Woodward
Gielegem	Newell	Shulman	Woronchak
Gillard	Nitz		

**Nays—41**

Acciavatti	Drolet	Jamnick	Reeves
Adamini	Elkins	LaSata	Sheen
Anderson	Farhat	Law	Smith
Bisbee	Garfield	McConico	Stahl
Bradstreet	Hardman	Middaugh	Stallworth
Brandenburg	Hood	Milosch	Taub
Byrum	Hoogendyk	Minore	Tobocman
Cheeks	Hummel	Murphy	Waters
Daniels	Hune	Palmer	Whitmer
DeRoche	Hunter	Pastor	Zelenko
Dillon			

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 183A.

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Clack, under Rule 33, made the following statement:

"Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 923-926. Had I been present, I would have voted 'nay' on Roll Call No. 923 and 'yea' on Roll Call Nos. 924-926."



### Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

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

#### **Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

The bill was read a second time.

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

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

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

The motion prevailed.

Rep. Richardville 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

#### **Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

### Second Reading of Bills

#### **House Bill No. 5746, entitled**

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; 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 Commerce,

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

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 3, line 17, after "(iii)" by striking out "A" and inserting "Beginning on the effective date of this act and until December 31, 2006, a".

2. Amend page 3, following line 17, by inserting:

"(iv) Beginning January 1, 2007, a bank, trust company organized or chartered under the laws of this state, or savings institution if its activities as a broker-dealer are limited to those specified in section 3(a)(4)(B)(i) through (vi), (viii) through (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and 3(a)(5)(C) of the securities exchange act of 1934, 15 USC 78c, or a bank that satisfies the conditions described in section 3(a)(4)(E) of the securities exchange act of 1934, 15 USC 78c." and renumbering the remaining subparagraphs.

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

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

The motion prevailed.

Rep. Richardville 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. 5746, entitled**

A bill to enact the uniform securities act (2002) relating to the issuance, offer, sale, or purchase of securities; to prohibit fraudulent practices in relation to securities; to establish civil and criminal sanctions for violations of the act and civil sanctions for violation of the rules promulgated pursuant to the act; to require the registration of broker-dealers, agents, investment advisers, and securities; to make uniform the law with reference to securities; 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. 927**

**Yeas—69**

Accavitti	Farhat	Meyer	Rocca
Acciavatti	Gaffney	Milosch	Shackleton
Adamini	Garfield	Minore	Shaffer
Amos	Gleason	Moolenaar	Shulman
Bisbee	Hager	Mortimer	Stahl
Bradstreet	Hoogendyk	Newell	Stakoe
Brandenburg	Howell	Nofs	Stallworth
Brown	Huizenga	O'Neil	Steil
Casperson	Hummel	Palmer	Tabor
Caswell	Hune	Palsrok	Taub
Caul	Hunter	Pappageorge	Van Regenmorter
Daniels	Johnson, Rick	Pastor	Vander Veen
DeRoche	Julian	Plakas	Voorhees
DeRossett	Koetje	Pumford	Walker
Dillon	Kooiman	Richardville	Ward
Drolet	LaJoy	Rivet	Wenke
Ehardt	McConico	Robertson	Woronchak
Emmons			

**Nays—37**

Anderson	Gillard	Meisner	Spade
Bieda	Hardman	Middaugh	Stewart
Byrum	Hood	Murphy	Tobocman
Cheeks	Hopgood	Nitz	Vagnozzi
Clack	Jamnick	Reeves	Waters
Condino	Johnson, Ruth	Sak	Whitmer
Dennis	Kolb	Sheen	Wojno
Elkins	LaSata	Sheltrown	Woodward
Farrah	Law	Smith	Zelenko
Gielegem			

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Lipsey, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 926-927. Had I been present, I would have voted ‘nay’ on Roll Call No. 926 and ‘yea’ on Roll Call No. 927.”



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 would have supported this bill if it contained language including variable annuities within the definition of a security. I hope that the Senate will include such an amendment. Otherwise, this legislation is solid.”

**Second Reading of Bills**

**House Bill No. 5668, 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 1997 PA 187.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Regulatory Reform,

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

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

The motion did not prevail and the substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Julian moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Julian moved to amend the bill as follows:

1. Amend page 16, line 27, after “a” by inserting “copy of a”.

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

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

The motion prevailed.

Rep. Richardville 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. 5668, 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 1997 PA 187.

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

**Roll Call No. 928**

**Yeas—102**

Accavitti	Gielegem	Middaugh	Sheltrown
Acciavatti	Gillard	Milosch	Shulman
Adamini	Gleason	Minore	Smith
Amos	Hager	Moolenaar	Spade
Anderson	Hardman	Mortimer	Stahl

Bieda	Hood	Murphy	Stakoe
Brandenburg	Hoogendyk	Newell	Stallworth
Brown	Hopgood	Nitz	Steil
Byrum	Howell	Nofs	Stewart
Casperson	Hummel	O'Neil	Tabor
Caswell	Hune	Palmer	Taub
Caul	Hunter	Palsrok	Tobocman
Cheeks	Jamnick	Pappageorge	Vagnozzi
Clack	Johnson, Rick	Pastor	Van Regenmorter
Condino	Johnson, Ruth	Plakas	Vander Veen
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Reeves	Walker
DeRoche	Kolb	Richardville	Ward
DeRossett	Kooiman	Rivet	Waters
Dillon	LaJoy	Robertson	Wenke
Ehardt	LaSata	Rocca	Whitmer
Elkins	Law	Sak	Wojno
Emmons	Lipsey	Shackleton	Woodward
Farhat	McConico	Shaffer	Woronchak
Farrah	Meisner	Sheen	Zelenko
Gaffney	Meyer		

### Nays—3

Drolet

Garfield

Huizenga

In The Chair: Julian

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

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

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending sections 2, 8, 9, and 11 (MCL 205.422, 205.428, 205.429, and 205.431), sections 2, 8, and 9 as amended by 1997 PA 187.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 5747, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5747, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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

**Roll Call No. 929****Yeas—106**

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Smith
Anderson	Gillard	Milosch	Spade
Bieda	Gleason	Minore	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Dillon	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Wojno
Ehardt	LaJoy	Rocca	Woodward
Elkins	LaSata	Sak	Woronchak
Emmons	Law	Shackleton	Zelenko
Farhat	Lipsey		

**Nays—1**

Sheen

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5748, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5748, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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

**Roll Call No. 930**

**Yeas—107**

Accavitti	Farrah	McConico	Sheen
Acciavatti	Gaffney	Meisner	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Smith
Anderson	Gillard	Milosch	Spade
Bieda	Gleason	Minore	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnack	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Dillon	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Wojno
Ehardt	LaJoy	Rocca	Woodward
Elkins	LaSata	Sak	Woronchak
Emmons	Law	Shackleton	Zelenko
Farhat	Lipsey	Shaffer	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

**House Bill No. 5749, 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.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5749, 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 third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 931**

**Yeas—107**

Accavitti	Farrah	McConico	Sheen
Acciavatti	Gaffney	Meisner	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Smith
Anderson	Gillard	Milosch	Spade
Bieda	Gleason	Minore	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnack	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Dillon	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Wojno
Ehardt	LaJoy	Rocca	Woodward
Elkins	LaSata	Sak	Woronchak
Emmons	Law	Shackleton	Zelenko
Farhat	Lipsey	Shaffer	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5750, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5750, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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

#### Roll Call No. 932

#### Yeas—107

Accavitti	Farrah	McConico	Sheen
Acciavatti	Gaffney	Meisner	Sheltrown
Adamini	Garfield	Meyer	Shulman
Amos	Gielegem	Middaugh	Smith
Anderson	Gillard	Milosch	Spade
Bieda	Gleason	Minore	Stahl
Bisbee	Hager	Moolenaar	Stakoe
Bradstreet	Hardman	Mortimer	Stallworth
Brandenburg	Hood	Murphy	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	O'Neil	Tobocman
Caul	Hummel	Palmer	Vagnozzi
Cheeks	Hune	Palsrok	Van Regenmorter
Clack	Hunter	Pappageorge	Vander Veen
Condino	Jamnick	Pastor	Voorhees
Daniels	Johnson, Rick	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Dillon	Kolb	Rivet	Whitmer
Drolet	Kooiman	Robertson	Wojno
Ehardt	LaJoy	Rocca	Woodward
Elkins	LaSata	Sak	Woronchak
Emmons	Law	Shackleton	Zelenko
Farhat	Lipsey	Shaffer	

#### Nays—0



The House agreed to the title of the bill.  
Rep. Richardville moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.



Speaker Pro Tempore called Associate Speaker Pro Tempore Ehardt to the Chair.

**Second Reading of Bills**

**House Bill No. 5751, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

The bill was read a second time.

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

The motion prevailed.

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

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



Rep. Mortimer moved that Rep. Julian be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5751, entitled**

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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

**Roll Call No. 933**

**Yeas—106**

Accavitti	Farrah	Meisner	Sheen
Acciavatti	Gaffney	Meyer	Sheltrown
Adamini	Garfield	Middaugh	Shulman
Amos	Gielegthem	Milosch	Smith
Anderson	Gillard	Minore	Spade
Bieda	Gleason	Moolenaar	Stahl
Bisbee	Hager	Mortimer	Stakoe
Bradstreet	Hardman	Murphy	Stallworth
Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	Taub
Caswell	Huizenga	Palmer	Tobocman
Caul	Hummel	Palsrok	Vagnozzi
Cheeks	Hune	Pappageorge	Van Regenmorter
Clack	Hunter	Pastor	Vander Veen

Condino	Jamnick	Plakas	Voorhees
Daniels	Johnson, Rick	Pumford	Walker
Dennis	Johnson, Ruth	Reeves	Ward
DeRoche	Koetje	Richardville	Waters
DeRossett	Kolb	Rivet	Wenke
Dillon	Kooiman	Robertson	Whitmer
Drolet	LaJoy	Rocca	Wojno
Ehardt	LaSata	Sak	Woodward
Elkins	Law	Shackleton	Woronchak
Emmons	Lipsey	Shaffer	Zelenko
Farhat	McConico		

### Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5752, entitled

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

The bill was read a second time.

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

The motion prevailed.

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

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

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

Rep. Waters moved that Rep. Zelenko be excused temporarily from today’s session.  
The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5752, entitled

A bill to amend 1962 PA 192, entitled “Professional service corporation act,” by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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

### Roll Call No. 934

### Yeas—104

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheen
Adamini	Garfield	Meyer	Sheltrown
Amos	Gielegem	Middaugh	Shulman

Anderson	Gillard	Milosch	Smith
Bieda	Gleason	Minore	Spade
Bisbee	Hager	Moolenaar	Stahl
Bradstreet	Hardman	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O'Neil	Taub
Caul	Hummel	Palmer	Tobocman
Cheeks	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnick	Pastor	Vander Veen
Daniels	Johnson, Rick	Plakas	Voorhees
Dennis	Johnson, Ruth	Pumford	Walker
DeRossett	Koetje	Reeves	Ward
Dillon	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak

### Nays—0

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

### Second Reading of Bills

#### House Bill No. 5753, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

The bill was read a second time.

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

The motion prevailed.

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

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

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Rep. Waters moved that Rep. Daniels be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5753, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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

**Roll Call No. 935****Yeas—103**

Accavitti	Farrah	McConico	Sheen
Acciavatti	Gaffney	Meyer	Sheltrown
Adamini	Garfield	Middaugh	Shulman
Amos	Gielegem	Milosch	Smith
Anderson	Gillard	Minore	Spade
Bieda	Gleason	Moolenaar	Stahl
Bisbee	Hager	Mortimer	Stakoe
Bradstreet	Hardman	Murphy	Stallworth
Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart
Byrum	Hopgood	Nofs	Tabor
Casperson	Howell	O'Neil	Taub
Caswell	Huizenga	Palmer	Tobocman
Caul	Hummel	Palsrok	Vagnozzi
Cheeks	Hune	Pappageorge	Van Regenmorter
Clack	Hunter	Pastor	Vander Veen
Condino	Jamnack	Plakas	Voorhees
Dennis	Johnson, Rick	Pumford	Walker
DeRoche	Johnson, Ruth	Reeves	Ward
DeRossett	Koetje	Richardville	Waters
Dillon	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Wojno
Elkins	LaSata	Sak	Woodward
Emmons	Law	Shackleton	Woronchak
Farhat	Lipsey	Shaffer	

**Nays—0**

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5754, entitled**

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5754, entitled**

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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

**Roll Call No. 936****Yeas—104**

Accavitti	Farhat	Lipsey	Shaffer
Acciavatti	Farrah	McConico	Sheen
Adamini	Gaffney	Meisner	Sheltrown
Amos	Garfield	Meyer	Shulman
Anderson	Gielegem	Middaugh	Smith
Bieda	Gillard	Milosch	Spade
Bisbee	Gleason	Minore	Stahl
Bradstreet	Hager	Moolenaar	Stakoe
Brandenburg	Hardman	Mortimer	Stallworth
Brown	Hood	Murphy	Steil
Byrum	Hoogendyk	Newell	Stewart
Casperson	Hopgood	Nitz	Tabor
Caswell	Howell	Nofs	Taub
Caul	Huizenga	O'Neil	Tobocman
Cheeks	Hummel	Palmer	Vagnozzi
Clack	Hune	Palsrok	Van Regenmorter
Condino	Hunter	Pappageorge	Vander Veen
Daniels	Jamnack	Pastor	Voorhees
Dennis	Johnson, Rick	Plakas	Walker
DeRoche	Johnson, Ruth	Reeves	Ward
DeRossett	Koetje	Richardville	Waters
Dillon	Kolb	Rivet	Wenke
Drolet	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Wojno
Elkins	LaSata	Sak	Woodward
Emmons	Law	Shackleton	Woronchak

**Nays—0**

In The Chair: Ehardt

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5755, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 29 (MCL 445.1651a and 445.1679), section 1a as amended by 2002 PA 391 and section 29 as amended by 1996 PA 210.

The bill was read a second time.

Rep. Bisbee moved to amend the bill as follows:

1. Amend page 5, following line 8, by inserting:

"Sec. 2. (1) A person shall not act as a mortgage broker, mortgage lender, or mortgage servicer without first obtaining a license or registering under this act, unless 1 or more of the following apply:

(a) The person is ~~solely~~ **an individual who is** performing services as an employee **or agent** of only 1 mortgage broker, mortgage lender, or mortgage servicer.

(b) The person is exempted from the act under section 25.

(c) The person is licensed as a class I licensee under the consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072.

(2) A person that is licensed to make regulatory loans under the regulatory loan act, of ~~1963~~, 1939 PA 21, MCL 493.1 to ~~493.25~~ **493.24**, or is licensed to make secondary mortgage loans under the secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81, and is registered with the commissioner shall file with the commissioner an application for a license under section 3(1) or shall discontinue all activities that are subject to this act.

(3) Unless a residential mortgage originator is otherwise licensed or registered under this act, a residential mortgage originator shall not receive directly or indirectly any compensation, commission, fee, points, or other remuneration or benefits from a mortgage broker, mortgage lender, or mortgage servicer other than the employer of the residential mortgage originator.

(4) Unless a residential mortgage originator is otherwise licensed or registered under this act, a mortgage broker, mortgage lender, or mortgage servicer shall not pay directly or indirectly any compensation, commission, fee, points, or other remuneration or benefits to a residential mortgage originator other than an employee of the mortgage broker, mortgage lender, or mortgage servicer. As used in this subsection and subsection (3), "residential mortgage originator" means a person who assists another person in obtaining a mortgage loan.

(5) A mortgage broker, mortgage lender, or mortgage servicer that was exempt from regulation under this act and is a subsidiary or affiliate of a depository financial institution or a depository financial institution holding company that does not maintain a main office or branch office in this state, shall register under section 6 or shall discontinue all activities subject to this act.

(6) Except for a state or nationally chartered bank, savings bank, or an affiliate of a bank or savings bank, the person subject to this act shall not include in its name or assumed name, the words "bank", "banker", "banking", "banc", "bankcorp", "bancorp", or any other words or phrases that would imply that the person is a bank, is engaged in the business of banking, or is affiliated with a bank or savings bank. It is not a violation of this subsection for a licensee or registrant to use the term "mortgage banker" or "mortgage banking" in its name or assumed name. A person subject to this act whose name or assumed name on January 1, 1995 contained a word prohibited by this section may continue to use the name or assumed name."

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

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

The motion prevailed.

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

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

The Speaker Pro Tempore resumed the Chair.

Rep. Sak moved that Rep. Murphy be excused temporarily from today's session.

The motion prevailed.

Rep. Waters moved that Rep. Cheeks be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of  
**Third Reading of Bills**

**House Bill No. 5755, entitled**

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 29 (MCL 445.1651a and 445.1679), section 1a as amended by 2002 PA 391 and section 29 as amended by 1996 PA 210.

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

**Roll Call No. 937**

**Yeas—101**

Accavitti  
Acciavatti  
Adamini

Gaffney  
Garfield  
Gielegem

Meisner  
Meyer  
Middaugh

Sheen  
Sheltrown  
Shulman

Amos	Gillard	Milosch	Smith
Anderson	Gleason	Minore	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Huizenga	O'Neil	Tabor
Casperson	Hummel	Palmer	Taub
Caswell	Hune	Palsrok	Tobocman
Caul	Hunter	Pappageorge	Vagnozzi
Clack	Jamnick	Pastor	Van Regenmorter
Condino	Johnson, Ruth	Plakas	Vander Veen
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Reeves	Walker
DeRoche	Kolb	Richardville	Ward
DeRossett	Kooiman	Rivet	Waters
Dillon	LaJoy	Robertson	Wenke
Drolet	LaSata	Rocca	Whitmer
Elkins	Law	Sak	Wojno
Emmons	Lipsey	Shackleton	Woodward
Farhat	McConico	Shaffer	Woronchak
Farrah			

### Nays—0

In The Chair: Julian

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

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

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a, 2, and 29 (MCL 445.1651a, 445.1652, and 445.1679), section 1a as amended by 2002 PA 391, section 2 as amended by 2002 PA 4, and section 29 as amended by 1996 PA 210.

The motion prevailed.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 5756, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5756, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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

**Roll Call No. 938****Yeas—99**

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegem	Meyer	Smith
Amos	Gillard	Middaugh	Spade
Anderson	Gleason	Milosch	Stahl
Bieda	Hager	Minore	Stakoe
Bisbee	Hardman	Moolenaar	Stallworth
Brandenburg	Hood	Mortimer	Steil
Brown	Hoogendyk	Newell	Stewart
Byrum	Hopgood	Nitz	Tabor
Casperson	Howell	Nofs	Taub
Caswell	Huizenga	Palmer	Tobocman
Caul	Hummel	Palsrok	Vagnozzi
Clack	Hune	Pappageorge	Van Regenmorter
Daniels	Hunter	Pastor	Vander Veen
Dennis	Jamnick	Plakas	Voorhees
DeRoche	Johnson, Ruth	Pumford	Walker
DeRossett	Julian	Reeves	Ward
Dillon	Koetje	Richardville	Waters
Drolet	Kolb	Rivet	Wenke
Ehardt	Kooiman	Robertson	Whitmer
Elkins	LaJoy	Rocca	Wojno
Emmons	LaSata	Sak	Woodward
Farhat	Law	Shackleton	Woronchak
Farrah	Lipsey	Shaffer	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5757, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5757, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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



**Roll Call No. 939****Yeas—96**

Accavitti	Gaffney	McConico	Sheen
Acciavatti	Garfield	Meisner	Sheltrown
Adamini	Gielegem	Meyer	Shulman
Amos	Gillard	Middaugh	Smith
Anderson	Gleason	Milosch	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe
Brandenburg	Hood	Newell	Stallworth
Brown	Hoogendyk	Nitz	Steil
Byrum	Hopgood	Nofs	Stewart
Casperson	Howell	O'Neil	Tabor
Caswell	Huizenga	Palmer	Taub
Caul	Hune	Palsrok	Tobocman
Cheeks	Hunter	Pappageorge	Vagnozzi
Clack	Jamnick	Pastor	Van Regenmorter
Daniels	Johnson, Ruth	Plakas	Vander Veen
Dennis	Julian	Pumford	Voorhees
DeRoche	Koetje	Reeves	Walker
DeRossett	Kolb	Richardville	Ward
Dillon	Kooiman	Rivet	Waters
Drolet	LaJoy	Robertson	Wenke
Elkins	LaSata	Rocca	Wojno
Farhat	Law	Sak	Woodward
Farrah	Lipsey	Shaffer	Woronchak

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5758, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5758, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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

**Roll Call No. 940****Yeas—102**

Accavitti	Farhat	Lipsey	Sheen
Acciavatti	Farrah	McConico	Sheltrown
Adamini	Gaffney	Meisner	Shulman
Amos	Garfield	Meyer	Smith
Anderson	Gielegem	Middaugh	Spade
Bieda	Gillard	Milosch	Stahl
Bisbee	Gleason	Minore	Stakoe
Bradstreet	Hager	Moolenaar	Stallworth
Brandenburg	Hardman	Mortimer	Steil
Brown	Hood	Newell	Stewart
Byrum	Hoogendyk	Nitz	Tabor
Casperson	Hopgood	O'Neil	Taub
Caswell	Howell	Palmer	Tobocman
Caul	Huizenga	Palsrok	Vagnozzi
Cheeks	Hummel	Pappageorge	Van Regenmorter
Clack	Hune	Pastor	Vander Veen
Condino	Hunter	Plakas	Voorhees
Daniels	Jamnick	Pumford	Walker
Dennis	Johnson, Ruth	Reeves	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Robertson	Wenke
Dillon	Kolb	Rocca	Whitmer
Drolet	Kooiman	Sak	Wojno
Ehardt	LaJoy	Shackleton	Woodward
Elkins	LaSata	Shaffer	Woronchak
Emmons	Law		

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5759, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5759, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

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

**Roll Call No. 941****Yeas—105**

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheen
Adamini	Garfield	Meyer	Sheltrown
Amos	Gielegem	Middaugh	Shulman
Anderson	Gillard	Milosch	Smith
Bieda	Gleason	Minore	Spade
Bisbee	Hager	Moolenaar	Stahl
Bradstreet	Hardman	Mortimer	Stakoe
Brandenburg	Hood	Murphy	Stallworth
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	O'Neil	Taub
Caul	Hummel	Palmer	Tobocman
Cheeks	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnick	Pastor	Vander Veen
Daniels	Johnson, Ruth	Plakas	Voorhees
Dennis	Julian	Pumford	Walker
DeRoche	Koetje	Reeves	Ward
DeRossett	Kolb	Richardville	Waters
Dillon	Kooiman	Rivet	Wenke
Drolet	LaJoy	Robertson	Whitmer
Ehardt	LaSata	Rocca	Wojno
Elkins	Law	Sak	Woodward
Emmons	Lipsey	Shackleton	Woronchak
Farhat			

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5760, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5760, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2000 PA 307.

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

**Roll Call No. 942****Yeas—102**

Accavitti	Farrah	Meyer	Sheen
Acciavatti	Gaffney	Middaugh	Sheltrown
Adamini	Gielegghem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Brandenburg	Hood	Newell	Stallworth
Brown	Hoogendyk	Nitz	Steil
Byrum	Hopgood	Nofs	Stewart
Casperson	Howell	O'Neil	Tabor
Caswell	Hummel	Palmer	Taub
Caul	Hune	Palsrok	Tobocman
Cheeks	Hunter	Pappageorge	Vagnozzi
Clack	Jamnick	Pastor	Van Regenmorter
Condino	Johnson, Ruth	Plakas	Vander Veen
Daniels	Julian	Pumford	Voorhees
Dennis	Koetje	Reeves	Walker
DeRoche	Kolb	Richardville	Ward
DeRossett	Kooiman	Rivet	Waters
Dillon	LaJoy	Robertson	Wenke
Drolet	LaSata	Rocca	Whitmer
Ehardt	Law	Sak	Wojno
Elkins	Lipsey	Shackleton	Woodward
Emmons	McConico	Shaffer	Woronchak
Farhat	Meisner		

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills****House Bill No. 5761, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 PA 29.

The bill was read a second time.

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

The motion prevailed.

Rep. Richardville 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. 5761, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14j of chapter XVII (MCL 777.14j), as added by 2002 PA 29.

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

**Roll Call No. 943****Yeas—103**

Accavitti	Farhat	Lipsey	Sheen
Acciavatti	Farrah	McConico	Sheltrown
Adamini	Gaffney	Meyer	Shulman
Amos	Garfield	Middaugh	Smith
Anderson	Gielegem	Milosch	Spade
Bieda	Gillard	Minore	Stahl
Bisbee	Gleason	Moolenaar	Stakoe
Bradstreet	Hager	Mortimer	Stallworth
Brandenburg	Hardman	Murphy	Steil
Brown	Hood	Newell	Stewart
Byrum	Hoogendyk	Nitz	Tabor
Casperson	Hopgood	Nofs	Taub
Caswell	Howell	O'Neil	Tobocman
Caul	Huizenga	Palmer	Vagnozzi
Cheeks	Hummel	Palsrok	Van Regenmorter
Clack	Hune	Pappageorge	Vander Veen
Condino	Hunter	Pastor	Voorhees
Daniels	Jamnack	Plakas	Walker
Dennis	Johnson, Ruth	Pumford	Ward
DeRoche	Julian	Richardville	Waters
DeRossett	Koetje	Rivet	Wenke
Dillon	Kolb	Robertson	Whitmer
Drolet	Kooiman	Rocca	Wojno
Ehardt	LaJoy	Sak	Woodward
Elkins	LaSata	Shackleton	Woronchak
Emmons	Law	Shaffer	

**Nays—0**

In The Chair: Julian

The House agreed to the title of the bill.

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

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

**Second Reading of Bills**

Rep. Richardville moved that Rule 48 be suspended.

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

**House Bill No. 6338, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

The bill was read a second time.

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

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

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

The motion prevailed.

Rep. Richardville 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. 6338, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending the title and sections 10 and 11 (MCL 41.810 and 41.811), the title as amended by 1990 PA 102 and section 11 as amended by 1989 PA 81.

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

**Roll Call No. 944**

**Yeas—104**

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheen
Adamini	Gieleghem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bisbee	Hardman	Moolenaar	Stahl
Brandenburg	Hood	Mortimer	Stakoe
Brown	Hoogendyk	Murphy	Stallworth
Byrum	Hopgood	Newell	Steil
Casperson	Howell	Nitz	Stewart
Caswell	Huizenga	Nofs	Tabor
Caul	Hummel	O'Neil	Taub
Cheeks	Hune	Palmer	Tobocman
Clack	Hunter	Palsrok	Vagnozzi
Condino	Jamnick	Pappageorge	Van Regenmorter
Daniels	Johnson, Rick	Pastor	Vander Veen
Dennis	Johnson, Ruth	Plakas	Voorhees
DeRoche	Julian	Pumford	Walker
DeRossett	Koetje	Reeves	Ward
Dillon	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak

**Nays—1**

Garfield

In The Chair: Julian

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 5529, entitled**

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

(The bill was received from the Senate on November 10, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 86, p. 2483.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 945****Yeas—80**

Accavitti	Elkins	LaSata	Rocca
Adamini	Emmons	Law	Sak
Amos	Farhat	Lipsey	Shackleton
Anderson	Farrar	McConico	Sheltrown
Bieda	Gaffney	Meisner	Shulman
Bisbee	Gielegem	Meyer	Smith
Brandenburg	Gleason	Minore	Spade
Brown	Hager	Mortimer	Stallworth
Byrum	Hardman	Murphy	Steil
Casperson	Hood	Newell	Stewart
Caswell	Hoogendyk	Nitz	Tabor
Caul	Hopgood	Nofs	Taub
Cheeks	Howell	O'Neil	Tobocman
Clack	Hummel	Palmer	Vagnozzi
Condino	Hunter	Palsrok	Waters
Daniels	Jamnick	Pappageorge	Wenke
Dennis	Johnson, Rick	Plakas	Whitmer
DeRossett	Julian	Pumford	Wojno
Dillon	Kolb	Richardville	Woodward
Ehardt	Kooiman	Rivet	Woronchak

**Nays—24**

Acciavatti	Hune	Moolenaar	Stakoe
Bradstreet	Johnson, Ruth	Pastor	Van Regenmorter
DeRoche	Koetje	Robertson	Vander Veen

Drolet  
Garfield  
Huizenga

LaJoy  
Middaugh  
Milosch

Shaffer  
Sheen  
Stahl

Voorhees  
Walker  
Ward

In The Chair: Julian

The House agreed to the title as amended.

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

The Speaker laid before the House

**Senate Bill No. 757, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5475a. (The bill was received from the Senate on November 10, with amendments to the House substitute (H-2), and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 86, p. 2532.)

The question being on concurring in the amendments to the House substitute (H-2) made to the bill by the Senate, The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 946**

**Yeas—96**

Accavitti	Gaffney	Meisner	Sheltrown
Acciavatti	Gielegem	Meyer	Shulman
Adamini	Gillard	Middaugh	Smith
Amos	Gleason	Milosch	Spade
Anderson	Hager	Minore	Stahl
Bieda	Hardman	Moolenaar	Stakoe
Brandenburg	Hopgood	Mortimer	Stallworth
Byrum	Howell	Murphy	Steil
Casperson	Huizenga	Newell	Stewart
Caswell	Hummel	Nitz	Tabor
Caul	Hune	Nofs	Taub
Cheeks	Hunter	O'Neil	Tobocman
Clack	Jamnick	Palsrok	Vagnozzi
Condino	Johnson, Rick	Pappageorge	Van Regenmorter
Daniels	Johnson, Ruth	Plakas	Vander Veen
Dennis	Julian	Pumford	Voorhees
DeRoche	Koetje	Reeves	Walker
DeRossett	Kolb	Richardville	Ward
Dillon	Kooiman	Rivet	Waters
Ehardt	LaJoy	Robertson	Wenke
Elkins	LaSata	Rocca	Whitmer
Emmons	Law	Sak	Wojno
Farhat	Lipsey	Shackleton	Woodward
Farrah	McConico	Shaffer	Woronchak

**Nays—8**

Bisbee  
Bradstreet

Drolet  
Garfield

Hoogendyk  
Palmer

Pastor  
Sheen

In The Chair: Julian



**Third Reading of Bills**

The House returned to the consideration of

**Senate Bill No. 1453, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8a and 9 (MCL 125.2688a and 125.2689), section 8a as amended by 2002 PA 587.

(The bill was considered earlier today, see today's Journal p. 2567.)

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. 947****Yeas—104**

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheen
Adamini	Gieleghem	Meyer	Sheltrown
Amos	Gillard	Middaugh	Shulman
Anderson	Gleason	Milosch	Smith
Bieda	Hager	Minore	Spade
Bradstreet	Hardman	Moolenaar	Stahl
Brandenburg	Hood	Mortimer	Stakoe
Brown	Hoogendyk	Murphy	Stallworth
Byrum	Hopgood	Newell	Steil
Casperson	Howell	Nitz	Stewart
Caswell	Huizenga	Nofs	Tabor
Caul	Hummel	O'Neil	Taub
Cheeks	Hune	Palmer	Tobocman
Clack	Hunter	Palsrok	Vagnozzi
Condino	Jamnick	Pappageorge	Van Regenmorter
Daniels	Johnson, Rick	Pastor	Vander Veen
Dennis	Johnson, Ruth	Plakas	Voorhees
DeRoche	Julian	Pumford	Walker
DeRossett	Koetje	Reeves	Ward
Dillon	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Whitmer
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak

**Nays—1**

Garfield

In The Chair: Julian

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

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

A bill to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending sections 6 and 8a (MCL 125.2686 and 125.2688a), section 6 as amended by 2004 PA 16 and section 8a as amended by 2002 PA 587.

The House agreed to the title as amended.

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

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

### Second Reading of Bills

#### House Bill No. 5233, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16346 and part 165.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

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

Rep. Robertson moved to amend the bill as follows:

1. Amend page 9, line 12, after “**500**” by inserting “**clock**”.

2. Amend page 9, line 12, after “**training**” by striking out the balance of the subsection and inserting a period.

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

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

The motion prevailed.

Rep. Richardville 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. 5233, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16346 and part 165.

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

#### Roll Call No. 948

#### Yeas—60

Accavitti	Gleason	Meyer	Spade
Amos	Hager	Mortimer	Stakoe
Bieda	Hardman	Murphy	Stallworth
Brown	Hopgood	Newell	Steil
Caswell	Howell	Nitz	Stewart
Caul	Huizenga	O’Neil	Tabor
Cheeks	Hunter	Pappageorge	Vagnozzi
Daniels	Jamnick	Pastor	Van Regenmorter
Dennis	Johnson, Rick	Plakas	Vander Veen
DeRossett	Julian	Reeves	Ward
Ehardt	Koetje	Richardville	Wenke
Farrah	Kolb	Rivet	Whitmer
Gaffney	Kooiman	Robertson	Wojno
Gielegem	Law	Sak	Woodward
Gillard	Meisner	Shulman	Woronchak

#### Nays—43

Acciavatti	Dillon	LaJoy	Shaffer
Adamini	Drolet	LaSata	Sheen
Anderson	Elkins	Lipsey	Sheltrown
Bisbee	Emmons	Middaugh	Smith
Bradstreet	Farhat	Milosch	Stahl
Brandenburg	Garfield	Moolenaar	Taub
Byrum	Hood	Nofs	Tobocman
Casperson	Hoogendyk	Palmer	Voorhees

Clack  
Condino  
DeRoche

Hummel  
Hune  
Johnson, Ruth

Palsrok  
Pumford  
Rocca

Walker  
Waters

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16346 and part 165.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Howell, Accavitti, Acciavatti, Bradstreet, Brandenburg, Caswell, Caul, DeRossett, Emmons, Garfield, Gleason, Hager, Hummel, Jamnick, Koetje, Kooiman, Lipsey, Meyer, Milosch, Minore, Palmer, Sheen, Shulman, Stahl, Stakoe, Tobocman, Vander Veen and Voorhees offered the following resolution:

#### **House Resolution No. 327.**

A resolution to urge the Governor to appoint a task force examining alleged abuse in the issuance of personal protection orders.

Whereas, Personal protection orders (PPOs) are court orders protecting individuals from harassment, assault, beating, molesting, wounding, or stalking by another person. PPOs can also prohibit the assailant or potential assailant from entering the petitioner's premises, from removing minor children unless the removal is part of court-ordered visitation, and from having access to information in children's records that would reveal the respondent's address, phone number, and employment location; and

Whereas, For over a decade, Michigan has been a national leader in protecting domestic violence victims. During the 1993-94 session, the Legislature and the Governor worked together to enact comprehensive legislation significantly improving the state's response to domestic violence. Specifically, the Legislature made stalking a crime and allowed threats, harassment, and terrorizing acts to be prosecuted, providing needed protection for victims before actual physical attacks occurred. In 1994, the Governor created the Governor's Task Force on Domestic Violence, a special bipartisan domestic violence task force to investigate the long-standing obstacles for victims and potential victims to obtaining domestic abuse injunctions. The following year, the Legislature, acting upon the task force's recommendations, created PPOs; and

Whereas, In 1996, the Prosecuting Attorney's Association of Michigan and the Michigan Family Independence Agency's Domestic Violence Prevention and Treatment Board co-chaired a task force to look into widespread complaints of PPO misuse, difficulties in the granting of PPOs, and law enforcement's response to domestic violence. The Legislature, in response, enacted a package of public acts in 1999 to help eliminate PPO mistreatment in cases involving neighborhood disputes and expand the situations where police officers can arrest PPO violators. Further, in 2000, the Governor convened the Homicide Prevention Task Force to assess the current status of domestic violence laws and programs, and to identify areas of concern. The many recommendations that the Legislature subsequently enacted included fingerprinting and record-keeping requirements for criminal contempt violations of PPOs. The next year, the Legislature enacted a measure generally requiring law enforcement officers, prosecutors, and courts to enforce foreign PPOs in the same manner that Michigan-issued PPOs are enforced; and

Whereas, Although many people have benefited from our path-breaking statutes, many in the legal community believe that the process in which PPOs are granted is frequently being abused. For example, petitioners who are denied PPOs in one county may simply file for orders in another county instead of seeking appeals. Victims sometimes lure the person named in the PPO to their homes and then cite them for violations. In some instances, judges grant a disproportionate number of PPOs while other judges grant fewer. Another concern is that PPOs are not always served on a timely basis; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to appoint a task force examining alleged abuse in the issuance of personal protection orders; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.

Pending the reference of the resolution to a committee,

Rep. Richardville 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,

Rep. Richardville moved that consideration of the resolution be postponed for the day. The motion prevailed.

Reps. Bradstreet, Acciavatti, Brandenburg, DeRossett, Emmons, Garfield, Hager, Hummel, Kooiman, Meyer, Middaugh, Milosch, Nofs, Palmer, Robertson, Shaffer, Sheen, Stahl, Stakoe, Tabor, Van Regenmorter, Vander Veen and Voorhees offered the following resolution:

**House Resolution No. 328.**

A resolution to urge the Civil Service Commission to reject any and all provisions of state labor contracts that offer same-sex domestic partner benefits to state employees.

Whereas, The Governor, through the Office of the State Employer, is currently negotiating five different state contracts with various labor unions representing state employees. These contracts are to set labor compensation and benefits, beginning October 1, 2005; and

Whereas, According to the Office of the State Employer, under these contracts, the state is to provide for same-sex domestic partner health care benefits for state employees. Same-sex benefits for domestic partners have never before been provided to state employees; and

Whereas, On November 2, 2004, the people of Michigan spoke clearly on the issue of same-sex relationships. By a large margin, the people voted to amend our state constitution by adding language that provides that “the union of one man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose”; and

Whereas, The Civil Service Commission is empowered by the Constitution of the State of Michigan of 1963, under Article XI, Section 5, to fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. Furthermore, it is the responsibility of the Civil Service Commission to approve, reject, or modify the contracts; and

Whereas, The Director of the Office of the State Employer has publicly stated his concern that the same-sex domestic partner benefits negotiated in response to union demands could violate the new constitutional amendment. In addition, the director has stated that he expects the courts to determine how this matter may be resolved; and

Whereas, In addition to its questionable constitutionality, extending same-sex domestic partner benefits to state employee is clearly contrary to the will of the people of the state of Michigan as recently expressed at the polls. Moreover, the financial cost to the state to provide this labor benefit, not to mention the legal cost to defend constitutional challenges, will impose a great burden on the citizens of Michigan; now, therefore, be it

Resolved by the House of Representatives, That we urge the Civil Service Commission to reject any and all provisions of labor contracts that grant state employees same-sex domestic partner benefits; and be it further

Resolved, That we urge Governor Jennifer M. Granholm and the Office of the State Employer to refrain from negotiating or approving any state contract that gives state employees same-sex domestic partner benefits; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor, the Civil Service Commission, and the Office of the State Employer.

The resolution was referred to the Committee on Family and Children Services.

Reps. Bradstreet, Acciavatti, Brandenburg, DeRossett, Emmons, Garfield, Hager, Hummel, Kooiman, Meyer, Middaugh, Milosch, Nofs, Palmer, Robertson, Shaffer, Sheen, Stahl, Stakoe, Steil, Tabor, Van Regenmorter, Vander Veen and Voorhees offered the following concurrent resolution:

**House Concurrent Resolution No. 71.**

A concurrent resolution to urge the Civil Service Commission to reject any and all provisions of state labor contracts that offer same-sex domestic partner benefits to state employees.

Whereas, The Governor, through the Office of the State Employer, is currently negotiating five different state contracts with various labor unions representing state employees. These contracts are to set labor compensation and benefits, beginning October 1, 2005; and

Whereas, According to the Office of the State Employer, under these contracts, the state is to provide for same-sex domestic partner health care benefits for state employees. Same-sex benefits for domestic partners have never before been provided to state employees; and

Whereas, On November 2, 2004, the people of Michigan spoke clearly on the issue of same-sex relationships. By a large margin, the people voted to amend our state constitution by adding language that provides that “the union of one

man and one woman in marriage shall be the only agreement recognized as a marriage or similar union for any purpose"; and

Whereas, The Civil Service Commission is empowered by the *Constitution of the State of Michigan of 1963*, under Article XI, Section 5, to fix rates of compensation for all classes of positions, approve or disapprove disbursements for all personal services, make rules and regulations covering all personnel transactions, and regulate all conditions of employment in the classified service. Furthermore, it is the responsibility of the Civil Service Commission to approve, reject, or modify the contracts; and

Whereas, The Director of the Office of the State Employer has publicly stated his concern that the same-sex domestic partner benefits negotiated in response to union demands could violate the new constitutional amendment. In addition, the director has stated that he expects the courts to determine how this matter may be resolved; and

Whereas, In addition to its questionable constitutionality, extending same-sex domestic partner benefits to state employee is clearly contrary to the will of the people of the state of Michigan as recently expressed at the polls. Moreover, the financial cost to the state to provide this labor benefit, not to mention the legal cost to defend constitutional challenges, will impose a great burden on the citizens of Michigan; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Civil Service Commission to reject any and all provisions of labor contracts that grant state employees same-sex domestic partner benefits; and be it further

Resolved, That we urge Governor Jennifer M. Granholm and the Office of the State Employer to refrain from negotiating or approving any state contract that gives state employees same-sex domestic partner benefits; and be it further

Resolved, That a copy of this resolution be transmitted to the Governor, the Civil Service Commission, and the Office of the State Employer.

The concurrent resolution was referred to the Committee on Family and Children Services.

### Reports of Standing Committees

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

#### **Senate Bill No. 231, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

#### **Senate Bill No. 683, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 401 (MCL 330.1401), as amended by 1995 PA 290.

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 and laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 684, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 226 and 469a (MCL 330.1226 and 330.1469a), section 226 as amended by 2002 PA 595 and section 469a as added by 1996 PA 588, and by adding section 433.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 685, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 472a, 473, and 475 (MCL 330.1472a, 330.1473, and 330.1475), sections 472a and 475 as added and section 473 as amended by 1996 PA 588.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 686, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100a and 161 (MCL 330.1100a and 330.1161), as amended by 1998 PA 497, and by adding section 116a.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 817, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 307 (MCL 257.307), as amended by 2004 PA 52, and by adding section 217o.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Woronchak, Robertson, Gaffney, Hune, Ward, Adamini, Hardman, O'Neil, Gillard and Clack  
Nays: Rep. Van Regenmorter

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1344, 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," (MCL 722.111 to 722.128) by adding sections 2b, 2c, 2d, and 2e.

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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1464, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1106, 5306, 5506, 5507, 5508, 5509, 5510, 5511, 5512, and 5520 (MCL 700.1106, 700.5306, 700.5506, 700.5507, 700.5508, 700.5509, 700.5510, 700.5511, 700.5512, and 700.5520), sections 1106, 5506, 5507, 5508, and 5510 as amended by 2003 PA 63, section 5306 as amended and section 5520 as added by 2000 PA 312, and section 5509 as amended by 1999 PA 52, and by adding section 5515; 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 and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1465, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5653 and 5654 (MCL 333.5653 and 333.5654), as amended by 2001 PA 239.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack  
Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1466, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145n (MCL 750.145n), as amended by 2000 PA 66.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adami, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1467, entitled**

A bill to amend 1996 PA 193, entitled "Michigan do-not-resuscitate procedure act," by amending section 2 (MCL 333.1052), as amended by 2000 PA 59.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adami, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1468, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 400 (MCL 330.1400), as amended by 1995 PA 290.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adami, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1469, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 407 (MCL 330.1407), as amended by 1995 PA 290.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adami, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None



The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1470, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 409 (MCL 330.1409), as amended by 1996 PA 588.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1471, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 410 (MCL 330.1410), as added by 1995 PA 290.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

**Senate Bill No. 1472, entitled**

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 415 (MCL 330.1415), as amended by 1995 PA 290.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ehardt, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

Absent: Rep. Hart

Excused: Rep. Hart

The Committee on Government Operations, by Rep. Koetje, Chair, reported

**House Bill No. 6311, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Howell, Tobocman and Lipsey

Nays: None

The Committee on Government Operations, by Rep. Koetje, Chair, reported

**House Bill No. 6323, entitled**

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 26, 28, 30, 59a, and 79 (MCL 38.1026, 38.1028, 38.1030, 38.1059a, and 38.1079), sections 26, 30, and 59a as amended by 2002 PA 97, section 28 as amended by 1981 PA 123, and section 79 as amended by 1998 PA 501.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Koetje, Howell, Tobocman and Lipsey

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Koetje, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, November 30, 2004

Present: Reps. Koetje, Drolet, Howell, Tobocman and Lipsey

Notices

November 30, 2004

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

Dear Mr. Clerk:

Please make note in your records that Representative Gretchen Whitmer is removed from the Conference Committee on Senate Bill 1105 and is replaced by Representative Rich Brown.

Thank you for your attention to this matter.

Sincerely,  
Rick Johnson  
Speaker of the House

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Conservation and Outdoor Recreation from further consideration of **House Bill No. 4141**.

Rep. Richardville

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Family and Children Services from further consideration of **House Bill No. 5715**.

Rep. Richardville

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Regulatory Reform from further consideration of **House Bill No. 5790**.

Rep. Spade

### Messages from the Governor

Date: November 19, 2004

Time: 4:47 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4335 (Public Act No. 403, I.E.), being**

An act to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

(Filed with the Secretary of State November 22, 2004, at 3:04 p.m.)

Date: November 19, 2004

Time: 4:49 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4336 (Public Act No. 404, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 447 (MCL 750.447).

(Filed with the Secretary of State November 22, 2004, at 3:06 p.m.)

Date: November 19, 2004

Time: 4:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 6047 (Public Act No. 405, I.E.), being**

An act to amend 2003 PA 226, entitled “An act to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions,” (MCL 125.131 to 125.141) by adding section 13.

(Filed with the Secretary of State November 22, 2004, at 3:08 p.m.)

Date: November 29, 2004

Time: 9:17 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4458 (Public Act No. 407, I.E.), being**

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic

liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 229 (MCL 436.1229).

(Filed with the Secretary of State November 29, 2004, at 10:09 a.m.)

Date: November 29, 2004

Time: 9:19 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4703 (Public Act No. 408, I.E.), being**

An act to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 12501, 12505, 12506, 12507, 12508, 12509, 12512, 12513, 12514, 12516, 12521, 12527, 12527a, 12528, 12529, and 12532 (MCL 333.12501, 333.12505, 333.12506, 333.12507, 333.12508, 333.12509, 333.12512, 333.12513, 333.12514, 333.12516, 333.12521, 333.12527, 333.12527a, 333.12528, 333.12529, and 333.12532), section 12501 as amended by 1982 PA 525, section 12527 as amended by 1980 PA 522, and sections 12527a and 12532 as amended by 1985 PA 19, and by adding sections 12506a, 12506b, 12510, and 12527b.

(Filed with the Secretary of State November 29, 2004, at 10:11 a.m.)

Date: November 29, 2004

Time: 9:21 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5414 (Public Act No. 409, I.E.), being**

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 106 (MCL 400.106), as amended by 2003 PA 33.

(Filed with the Secretary of State November 29, 2004, at 10:13 a.m.)

Date: November 29, 2004  
Time: 9:23 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5947 (Public Act No. 410, I.E.), being**

An act to amend 1984 PA 323, entitled “An act to prohibit fraud in the obtaining of benefits or payments in connection with health care coverage and insurance; to prohibit kickbacks or bribes in connection with such coverage and insurance; to prohibit conspiracies in obtaining benefits or payments; to provide for certain powers and duties of certain state and local officers and agencies; to provide for and preclude certain civil actions; and to prescribe penalties,” (MCL 752.1001 to 752.1011) by adding section 4b.

(Filed with the Secretary of State November 29, 2004, at 10:15 a.m.)

Date: November 29, 2004  
Time: 9:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5970 (Public Act No. 411, I.E.), being**

An act to amend 1984 PA 323, entitled “An act to prohibit fraud in the obtaining of benefits or payments in connection with health care coverage and insurance; to prohibit kickbacks or bribes in connection with such coverage and insurance; to prohibit conspiracies in obtaining benefits or payments; to provide for certain powers and duties of certain state and local officers and agencies; to provide for and preclude certain civil actions; and to prescribe penalties,” (MCL 752.1001 to 752.1011) by adding section 4a.

(Filed with the Secretary of State November 29, 2004, at 10:17 a.m.)

Date: November 29, 2004  
Time: 9:27 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5457 (Public Act No. 412, I.E.), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 622a.

(Filed with the Secretary of State November 29, 2004, at 10:19 a.m.)

Date: November 29, 2004  
Time: 9:29 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5475 (Public Act No. 413, I.E.), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state

board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 620.

(Filed with the Secretary of State November 29, 2004, at 10:21 a.m.)

Date: November 29, 2004

Time: 9:31 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5627 (Public Act No. 414, I.E.), being**

An act to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools and the intermediate school districts of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to supplement the school aid fund by the levy and collection of certain taxes; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending section 18 (MCL 388.1618), as amended by 2003 PA 158.

(Filed with the Secretary of State November 29, 2004, at 10:23 a.m.)

Date: November 29, 2004

Time: 9:33 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5839 (Public Act No. 415, I.E.), being**

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 681, 687, 1723, 1724a, and 1731 (MCL 380.681, 380.687, 380.1723, 380.1724a, and 380.1731), sections 681 and 687 as amended by 2003 PA 299, section 1724a as added by 1994 PA 258, and section 1731 as amended by 2002 PA 70, and by adding section 625b.

(Filed with the Secretary of State November 29, 2004, at 10:25 a.m.)

Date: November 29, 2004

Time: 9:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5843 (Public Act No. 416, I.E.), being**

An act to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 6 (MCL 41.806), as amended by 1989 PA 81.

(Filed with the Secretary of State November 29, 2004, at 10:27 a.m.)

Date: November 29, 2004  
Time: 9:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5850 (Public Act No. 417), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1804 (MCL 380.1804) and by adding sections 1814, 1815, and 1816.

(Filed with the Secretary of State November 29, 2004, at 10:29 a.m.)

Date: November 29, 2004  
Time: 9:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5851 (Public Act No. 418), being**

An act 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 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 162.

(Filed with the Secretary of State November 29, 2004, at 10:31 a.m.)

Date: November 29, 2004  
Time: 9:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5921 (Public Act No. 419, I.E.), being**

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state

board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 611, 612, 613, 614, and 621a (MCL 380.611, 380.612, 380.613, 380.614, and 380.621a), section 611 as amended by 1981 PA 87, section 613 as amended and section 621a as added by 2004 PA 234, and section 614 as amended by 2004 PA 233, and by adding section 634.

(Filed with the Secretary of State November 29, 2004, at 10:33 a.m.)

Date: November 29, 2004

Time: 9:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4358 (Public Act No. 420, 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 719 and 724 (MCL 257.719 and 257.724), section 719 as amended by 2003 PA 142 and section 724 as amended by 1988 PA 346, and by adding section 724a.

(Filed with the Secretary of State November 29, 2004, at 10:35 a.m.)

The following message from the Governor was received November 10, 2004 and read:

### EXECUTIVE ORDER

No. 2004 - 34

### RECOGNIZING VETERANS’ DAY

WHEREAS, the United States of America were founded upon the principles of life, liberty, and the pursuit of happiness—values defended throughout our Nation’s history by the men and women of our Armed Forces;

WHEREAS, under Section 6103 of Title 5 of the United States Code and Section 1 of 1865 PA 124, MCL 435.101, November 11th is set aside as a legal public holiday in recognition of the contributions of our servicemen and servicewomen;

WHEREAS, on Veterans’ Day we recognize all those who have honorably worn the uniforms of our Armed Forces in service to this great nation;

WHEREAS, Veterans’ Day is particularly poignant this year as we honor not just those who have served in the past, but also those servicemen and servicewomen putting their lives on the line in Iraq, Afghanistan, and other countries around the world;

WHEREAS, members of our Armed Forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending the Nation’s security;

WHEREAS, while we recognize the duty, honor, and selfless service of all veterans, we also remember those who have given the ultimate sacrifice by laying down their lives to defend the freedoms our Nation holds so dear;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States of America be flown at half-staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan as a mark of respect for the memory and in honor of the service of all members of our Armed Forces killed in the line of duty;



NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim that on Veterans' Day, Thursday, November 11, 2004, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan, including at or on all state-owned or state-controlled buildings and military facilities.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of November, in the year of our Lord, two thousand and four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received November 12, 2004 and read:

### **EXECUTIVE ORDER**

**No. 2004 - 35**

#### **FAMILY INDEPENDENCE AGENCY**

#### **DEPARTMENT OF HUMAN SERVICES**

#### **EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Department of Social Services was created as a principal department of state government by Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550;

WHEREAS, the Department of Social Services was renamed the Family Independence Agency by 1995 PA 223, MCL 400.1;

WHEREAS, the Family Independence Agency is the state's public assistance, child, and family welfare agency focused on protecting children and vulnerable adults, delivering juvenile justice services, and providing support to strengthen families and individuals;

WHEREAS, renaming the Family Independence Agency will more effectively communicate its status as a principal department and its mission focused on the provision of social services for families, children, and other Michigan residents in need;

WHEREAS, it is necessary in the interests of efficient administration and effective government to make changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order:

A. The Family Independence Agency is renamed the Department of Human Services.

B. Any and all statutory references to the Family Independence Agency or the Department of Social Services shall be deemed references to the Department of Human Services.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order is effective January 30, 2005.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 12th day of November in the year of our Lord, two thousand and four.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

**Communications from State Officers**

The following communication from the Family Independence Agency was received and read:

November 5, 2004

Section 417 (2) of 2003 Public Act No. 172 requires the Family Independence Agency to report on the use of the 3.75% allocated from the Community Services Block Grant to fund a Bureau of Community Action and Economic Opportunity and a Commission on Community Action and Social opportunity. That report is attached.

It includes 1) the number of full-time equated employees funded; 2) administrative duties performed; and 3) a description of the relationship between duties of the Bureau and Commission.

If you have any questions about the attached material, please contact Ed LaForge at 241-4871.

Sincerely,  
Marianne Udow  
Director

The communication was referred to the Clerk.

The following communication from the Secretary of State was received and read:

Notice of Filing  
Administrative Rule

November 8, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:56 A.M. this date, administrative rule (04-11-01) for the Department of Labor and Economic Growth, Director's Office entitled "*Part 8. Handling and Storage of Materials*", effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communication was referred to the Clerk.

The following communication from the Department of State Police was received and read:

November 16, 2004

I am pleased to submit the 2003-2004 Concealed Pistol License Annual Report as required by MCL 28.425e. This report details the concealed pistol license activity between July 1, 2003 and June 30, 2004.

Sincerely,  
Col. Tadarial J. Sturdivant  
Director

The communication was referred to the Clerk.

The following communication from the Department of Labor and Economic Growth was received and read:

November 16, 2004

This letter serves to notify you of an issue that will likely generate an influx of telephone calls and e-mails to your offices (and ours) from displeased builders and contractors located in your districts. The purpose of this letter is twofold: First, the following background information should assist you and your staff in understanding the nature of these potential inquiries. Second, we have worked closely with the legislature to support passage of SB 1371, a bill we feel will solve the structural problems inherent in the "Construction Lien Act" (1980 PA 497).

The Construction Lien Act was amended in the early 1980's to create a Homeowner's Construction Lien Fund.

The original fund was financed by a \$50 assessment of builders and contractors. The amended language requires the Department of Labor and Economic Growth to collect a new \$50 assessment from each builder and contractor when the Fund balance falls below \$1 million. After the first assessment was collected in the early 1980's, it took nearly 17 years (1997) for the Fund to dip below the \$1 million mark and trigger a second assessment.

The Fund has fallen below the \$1 million threshold once again, and this time, it only took seven years to deplete the fund. As of October 27, 2004, the fund's balance was approximately \$635,000. Therefore, on November 15, 2004, our department will send a bill to every builder and contractor, requiring them to pay another \$50 assessment to replenish the Construction Lien Fund.

I have attached SB 1371 for your review. The bill addresses the structural problems noted above. Further, the bill would replace the current \$50 funding trigger with a \$10 annual fee, a more stable and predictable fee for licensees; and a more stable revenue source for the department. This would also require amendment to the Construction Lien Act, as well as the State License Fee Act and the licensing acts for electrical, mechanical, and plumbing contractors.

Please let me know if you have any questions. Thank you for your consideration of this issue, as it represents one of our department's top legislative priorities.

R. Thomas Martin, Director  
Department of Labor and Economic Growth,  
Office of Policy and Legislative Affairs  
(517) 241-4580

The communication was referred to the Clerk.

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

November 16, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance and Financial Audit of the Michigan Justice Training Fund,  
Michigan Commission on Law Enforcement Standards,  
Department of State Police  
The financial portion of our audit covered the period October 1, 2001 through September 30, 2003.

November 18, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of Fixed Asset and Inventory Controls,  
Department of Transportation  
November 2004

November 19, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of the Process of Ordering, Collection, and  
Applying Fees From Criminal Proceedings  
November 2004

November 23, 2004

Enclosed is a copy of the following audit report and/or report summary:  
Performance Audit of Computer Equipment Surplus and Salvage,  
Department of Information Technology and  
Department of Management and Budget  
November 2004

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

### Introduction of Bills

Rep. Accavitti introduced

**House Bill No. 6357, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 328 (MCL 257.328), as amended by 2004 PA 52, and by adding section 520a.

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

Rep. Accavitti introduced

**House Bill No. 6358, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3101a (MCL 500.3101a), as amended by 1996 PA 456.

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

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Rep. Middaugh moved that the House adjourn.

The motion prevailed, the time being 6:00 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives