

No. 85
STATE OF MICHIGAN
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OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, October 6, 2005.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Brian Palmer, from the 36th District, offered the following invocation:

“With the devastation and loss of life resulting from Hurricanes Katrina and Rita, and in support of our brave men and women in harm’s way at home and our fighting men and women overseas, I feel it is always appropriate to revisit the sentiments expressed in a simple prayer, the first prayer in Congress – offered extemporaneously 231 years and one month ago by Rev. Mr. Jacob Duché in Carpenter’s Hall, Philadelphia, in Sept, 1774:

Be Thou present O God of Wisdom and direct the counsel of this Honorable Assembly; enable them to settle all things on the best and surest foundations; that the scene of blood may be speedily closed; that Order, Harmony and Peace may be effectually restored, and the Truth and Justice, Religion and Piety, prevail and flourish among the people. Preserve the health of their bodies, and the vigor of their minds, shower down on them, and the millions they here represent, such temporal Blessings as Thou seest expedient for them in this world, and crown them with everlasting Glory in the world to come. All this we ask in the name and through the merits of Jesus Christ, Thy Son and Saviour,

Amen.”

Rep. Sak moved that Reps. Farrah and McConico be excused from today’s session.
The motion prevailed.

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

Motions and Resolutions

Reps. Tobocman, Lipsey, Espinoza, Gonzales, Murphy, Huizenga, Nitz, Accavitti, Bieda, Cheeks, Condino, Cushingberry, Gillard, Gleason, Kehrl, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Marleau, Miller, Plakas, Polidori, Sak, Sheltroun, Alma Smith, Spade, Vagnozzi, Waters and Zelenko offered the following resolution:

House Resolution No. 138.

A resolution recognizing October 8 through October 15, 2005, as Binational Health Week in the state of Michigan.

Whereas, Michigan is fortunate to count among its population a number of migrant Mexican workers who contribute to Michigan’s economy through their labor; and

Whereas, Many of these migrant workers do not have access to preventative health services, educational programs, or labor rights protections; and

Whereas, There is a desire to create collaborative programs between organizations in Mexico and organizations in Michigan to assist this population; and

Whereas, During the week spanning from October 8 through October 15, 2005, organizations in Michigan and Mexico will celebrate Binational Health Week through a series of special programs focused on health, education, and labor rights; now therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the week of October 8 through October 15, 2005, as Binational Health Week in the state of Michigan. We encourage all citizens to recognize and participate in the special programs taking place this week to improve the health and well-being of migrant Mexican workers in Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Bieda, Alma Smith, Accavitti, Condino, Gillard, Gonzales, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Miller, Murphy, Plakas, Polidori, Rocca, Sheltrown, Taub, Tobocman, Vagnozzi, Waters and Zelenko offered the following resolution:

House Resolution No. 139.

A resolution to encourage Michigan animal shelters and pounds to adopt a “no-kill” philosophy in dealing with homeless pets.

Whereas, More than 56,900 dogs and 76,300 cats were euthanized at Michigan animal shelters in 2003. The number of homeless pets killed each year both in Michigan and nationwide has decreased significantly in the past 15 years. However, the killing of healthy, adoptable pets by animal shelters continues as a matter of policy rather than necessity; and

Whereas, The “no-kill” philosophy refers to finding an alternative to euthanasia as a means of controlling the pet population for otherwise healthy animals. No-kill does not mean that no animals die in a shelter, but those that are healthy and treatable are saved. The no-kill philosophy recognizes the need to deal humanely with sick and suffering animals as well as vicious animals that cannot be placed in the community; and

Whereas, Requiring volunteers at shelters to take on the job of killing unwanted and homeless pets is an unfair burden to those working with these animals. Focus should be placed on no-kill methods of handling homeless pets, including aggressively marketing adoption, community education, and discount spay and neutering programs; now, therefore, be it

Resolved by the House of Representatives, That we encourage Michigan animal shelters and pounds to adopt a “no-kill” philosophy in dealing with homeless pets; and be it further

Resolved, That copies of this resolution be transmitted to the Division of Licensing, Certification, and Registration within the Department of Agriculture and the Michigan Humane Society.

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

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

House Bill No. 4307, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5253, entitled

A bill to amend 1971 PA 140, entitled “Glenn Steil state revenue sharing act of 1971,” by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 6, 2005

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

Absent: Reps. Stewart, Kahn and Phillips

Excused: Reps. Stewart, Kahn and Phillips

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Bill No. 4420, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8 (MCL 722.628), as amended by 2004 PA 195.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, October 5, 2005

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, October 6, 2005

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

Absent: Rep. Garfield

Excused: Rep. Garfield

Communications from State Officers

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

September 30, 2005

Attached is the report required by PA 359 of 2004, Sec. 3. (2), regarding the actual cost of fingerprinting.

If you have any questions, please contact me at (517) 336-6692.

Sincerely,
JERRI A. MCCLURE, DIRECTOR
 Budget and Financial Services Division

The communication was referred to the Clerk.

Announcements by the Clerk

September 28, 2005

Received from Schoolcraft College the audited financial statements and the management letter for the fiscal year ended June 30, 2005.

Gary L. Randall
Clerk of the House

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

Senate Bill No. 501, entitled

A bill to amend 1999 PA 123, entitled "An act to amend 1893 PA 206, entitled "The general property tax act," by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts," by repealing enacting section 5; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 84, p. 1857),

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

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

The motion prevailed.

Senate Bill No. 134, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 84, p. 1858),

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

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

The motion prevailed.

House Bill No. 4700, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5253, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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

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

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

Rep. Ward moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

House Bill No. 5253, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2004 PA 355.

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

Roll Call No. 496

Yeas—106

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

Nays—0

In The Chair: Kooiman

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

Rep. Ward moved that **Senate Bill No. 74** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Senate Bill No. 74, entitled

A bill to amend 2002 PA 712, entitled "Michigan Amber alert act," (MCL 28.751 to 28.753) by amending the title and by adding section 4.

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

Roll Call No. 497**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

"An act to prescribe the Amber alert of Michigan as the official response to reports of child abductions,"

The House agreed to the full title.

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

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

Rep. Ward moved that **Senate Bill No. 134** be placed on its immediate passage.

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

Senate Bill No. 134, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

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

Roll Call No. 498**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

“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,”

The House agreed to the full title.

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

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

Rep. Lemmons, III entered the House Chambers.

Rep. Ward moved that Rep. Huizenga be excused temporarily from today’s session.
The motion prevailed.

Rep. Ward moved that **House Bill No. 4700** be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

House Bill No. 4700, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

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

Roll Call No. 499

Yeas—102

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

Nays—4

Drolet	Gosselin	Hoogendyk	Palmer
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In The Chair: Kooiman

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

Rep. Huizenga, 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. 499. Had I been present, I would have voted ‘yea’.”

Rep. Ward moved that **Senate Bill No. 501** be placed on its immediate passage.

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

Senate Bill No. 501, entitled

A bill to amend 1999 PA 123, entitled “An act to amend 1893 PA 206, entitled “The general property tax act,” by amending the title and sections 57, 59, 60, 61, 73c, 74, 87c, 107, 108, 131, 131c, and 131e (MCL 211.57, 211.59, 211.60, 211.61, 211.73c, 211.74, 211.87c, 211.107, 211.108, 211.131, 211.131c, and 211.131e), the title and section 59 as amended by 1983 PA 254, sections 57, 60, 61, 73c, 74, 108, 131, and 131c as amended by 1993 PA 291, section 87c as amended by 1988 PA 450, section 107 as amended by 1998 PA 378, and section 131e as amended by 1996 PA 476, and by adding sections 60a, 67c, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, 78m, 78n, 78o, and 78p; and to repeal acts and parts of acts,” by repealing enacting section 5; 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. 500

Yeas—107

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 4307, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

The bill was read a second time.

Reps. Casperson, Moore, Brown, Adamini, McDowell, Farhat, Vander Veen and Marleau 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. Hummel moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4307, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the various state agencies.

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

Roll Call No. 501

Yeas—106

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

Nays—1

Drolet

In The Chair: Kooiman

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

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

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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

The motion prevailed.

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 Thursday, October 6:

House Bill Nos. 5257 5258 5259

The Clerk announced that the following Senate bills had been received on Thursday, October 6:

Senate Bill Nos. 444 657 668 669

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4857, entitled**

A bill to amend 1982 PA 432, entitled "Motor bus transportation act," by amending section 31 (MCL 474.131), as amended by 2001 PA 129.

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

The House agreed to the full title.

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

House Bill No. 5094, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2001 PA 49.

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

The House agreed to the full title.

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

House Bill No. 4852, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending the title and sections 1a, 2d, 3, 4, 5, 6, 7, 7a, 7b, 7c, 7d, 11, and 12 (MCL 480.11a, 480.12d, 480.13, 480.14, 480.15, 480.16, 480.17, 480.17a, 480.17b, 480.17c, 480.17d, 480.21, and 480.22), the title and sections 1a, 2d, 3, 4, and 6 as amended and sections 7d and 12 as added by 1995 PA 265, section 5 as added by 1998 PA 337, sections 7, 7b, and 11 as amended by 2000 PA 98, section 7a as added by 1988 PA 359, and section 7c as amended by 2004 PA 168, and by adding sections 4a, 13, 14, and 15; and to repeal acts and parts of acts.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4858, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 683, 723, and 724 (MCL 257.683, 257.723, and 257.724), section 683 as amended by 2000 PA 97, section 723 as amended by 2003 PA 152, and section 724 as amended by 2004 PA 420, and by adding section 312g; and to repeal acts and parts of acts.

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

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

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

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

House Bill No. 4938, entitled

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

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

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

The Senate has passed the bill.

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

Senate Bill No. 657, entitled

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

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. 668, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 3 (MCL 289.823).

The Senate has passed the bill.

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

Senate Bill No. 669, entitled

A bill to amend 1998 PA 381, entitled "Michigan agricultural processing act," by amending section 4 (MCL 289.824).

The Senate has passed the bill.

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

Introduction of Bills

Reps. Murphy, Whitmer and Byrum introduced

House Bill No. 5260, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 683a.

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

Reps. Bieda, Tobocman, Condino, Gleason, Alma Smith, Espinoza, McDowell, Miller, Vagnozzi, Cushingberry, Anderson and Wenke introduced

House Bill No. 5261, entitled

A bill to require elected public officials to file reports concerning receipt of certain contributions or subsidies; to prescribe certain powers and duties of certain state and local agencies and officials; and to provide for fees and civil fines.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5262, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," (MCL 30.401 to 30.421) by amending the title, as amended by 1990 PA 50, and by adding section 12a.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5263, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4406.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5264, entitled

A bill to provide for the levy, collection, and administration of an excise tax on the privilege of selling certain food and beverages in this state; to provide for the disposition of the proceeds of the tax; and to prescribe the powers and duties of certain state departments.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

House Bill No. 5265, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1503. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Bieda, Miller, Polidori, Wojno, Alma Smith, Accavitti, Brandenburg, Palmer, Drolet and Acciavatti introduced

House Bill No. 5266, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80122, 80144, 80145, 80146, 80149, 80151, 80152, 80155, 80180, 80198b, 80205, and 80209 (MCL 324.80122, 324.80144, 324.80145, 324.80146, 324.80149, 324.80151, 324.80152, 324.80155, 324.80180, 324.80198b, 324.80205, and 324.80209), sections 80122, 80144, 80145, 80146, 80149, 80151, 80155, and 80198b as added by 1995 PA 58, section 80152 as amended by 1999 PA 19, section 80180 as amended by 1996 PA 174, section 80205 as amended by 2004 PA 27, and section 80209 as added by 2000 PA 229.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reps. Mortimer, Gosselin, Hoogendyk, Sheen, Vander Veen, Huizenga, Hummel, Ward, Taub, Caswell and Gaffney introduced

House Bill No. 5267, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 6a (MCL 722.26a), as added by 1980 PA 434.

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

Reps. Meyer, Nofs and Taub introduced

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 85. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Nofs, Meyer and Taub introduced

House Bill No. 5269, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2002 PA 269.

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

Reps. Jones, LaJoy, Kahn, Nofs, Stakoe, Brandenburg, Newell, Sheen, Robertson, Espinoza, Polidori, Gonzales, Gleason, Casperson, Gosselin, Marleau, Nitz, Ball, Green, Hansen, Baxter, Steil, Palmer, Moore, Stahl, Mortimer, Pastor, Farhat, Drolet, Elsenheimer, Vander Veen, Hildenbrand, Van Regenmorter, Huizenga, Booher, Wenke, Pearce, Schuitmaker, Taub, Gaffney, Hune, Palsrok and Hoogendyk introduced

House Bill No. 5270, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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

Reps. Baxter, Gosselin, Steil, Huizenga, Hoogendyk, Elsenheimer, Amos and Drolet introduced

House Bill No. 5271, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 51 (MCL 206.51), as amended by 1999 PA 6; and to repeal acts and parts of acts.

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

Rep. Elsenheimer introduced

House Bill No. 5272, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 305 (MCL 484.2305), as amended by 1995 PA 216.

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

Rep. Elsenheimer introduced

House Bill No. 5273, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8155 (MCL 600.8155).

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

Reps. Brandenburg, Acciavatti, Drolet, Palmer, Pastor, Gosselin, Rocca, Taub, Gaffney and Stewart introduced

House Bill No. 5274, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 12a (MCL 141.912a), as amended by 1998 PA 532.

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

Reps. Newell, Nofs and Condino introduced

House Bill No. 5275, entitled

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

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

Reps. Nofs, Newell and Condino introduced

House Bill No. 5276, entitled

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

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

Reps. Condino, Newell and Nofs introduced

House Bill No. 5277, entitled

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

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

Rep. Farhat moved that the House adjourn.

The motion prevailed, the time being 12:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, October 11, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives