

**No. 17**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Tuesday, February 21, 2006.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Kevin A. Elsenheimer, from the 105th District, offered the following invocation:

“Lord, thank You for this day and for the opportunity to serve the residents of this great state. Help us to do Your will as we do the people’s work. In Your name we pray, Amen.”

Rep. Sak moved that Rep. Williams be excused from today’s session.  
The motion prevailed.

Rep. Emmons moved that Reps. Acciavatti, DeRoche, Drolet and Palmer be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### House Bill No. 5449, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.

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

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

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

The motion prevailed.

#### House Bill No. 5450, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 349 (MCL 750.349).

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

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

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

The motion prevailed

#### House Bill No. 5451, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 349b. The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

### Third Reading of Bills

#### House Bill No. 5620, entitled

A bill to amend 1988 PA 234, entitled “Michigan Vietnam veterans memorial act,” by amending section 5a (MCL 35.1055a), as added by 2000 PA 470.

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

#### Roll Call No. 85

Yeas—103

Accavitti  
Adamini

Espinoza  
Farhat

Leland  
Lemmons, III

Rocca  
Sak

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

### Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, Plakas, Anderson, Stewart, Zelenko, Kolb, Lipsey, Kooiman, Meyer, Hummel, Vander Veen, Adamini, Brown, Virgil Smith, Hunter, Tobocman, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Brandenburg, Bieda, Wojno, Clack, Condino, Vagnozzi, Taub, Accavitti, Amos, Stakoe, Gleason, Caswell, Shaffer, Hoogendyk, Nofs, Ward, Byrum, Emmons, Sak, Nitz, Stahl, Huizenga, Moolenaar, Palsrok, Gillard, Dillon, Angerer, Ball, Bennett, Byrnes, Caul, Cheeks, Clemente, Donigan, Espinoza, Gonzales, Gosselin, Hildenbrand, Jones, David Law, Leland, Lemmons, III, Lemmons, Jr., Marleau, McDowell, Miller, Pearce, Polidori, Rocca, Sheltrown, Alma Smith, Spade and Murphy were named co-sponsors of the bill.

### House Bill No. 4278, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1164.

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

### Roll Call No. 86

### Yeas—60

Amos	Farhat	Law, David	Proos
Angerer	Gaffney	Marleau	Robertson
Ball	Garfield	McDowell	Rocca
Baxter	Gillard	Meyer	Schuitmaker
Bennett	Gosselin	Miller	Shaffer
Booher	Green	Moolenaar	Sheen
Byrnes	Hansen	Moore	Spade

Casperson	Hildenbrand	Mortimer	Stahl
Caswell	Hoogendyk	Newell	Stakoe
Caul	Huizenga	Nitz	Steil
Clack	Hummel	Nofs	Van Regenmorter
Dillon	Hune	Palsrok	Vander Veen
Elsenheimer	Kahn	Pastor	Ward
Emmons	Kooiman	Pavlov	Wenke
Espinoza	LaJoy	Pearce	Wojno

### Nays—43

Accavitti	Donigan	Lemmons, III	Smith, Alma
Adamini	Farrah	Lemmons, Jr.	Smith, Virgil
Anderson	Gleason	Lipsey	Stewart
Bieda	Gonzales	Mayer	Taub
Brandenburg	Hood	McConico	Tobocman
Brown	Hopgood	Meisner	Vagnozzi
Byrum	Hunter	Murphy	Walker
Cheeks	Jones	Plakas	Waters
Clemente	Kolb	Polidori	Whitmer
Condino	Law, Kathleen	Sak	Zelenko
Cushingberry	Leland	Sheltrown	

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.

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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:

Parents already possess the rights that this bill purports to grant. We should not be wasting legislative time to pass laws for the mere purpose of creating more public acts or to allow members to issue press releases on ideas already incorporated into statute.”

Rep. Bieda, 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:

As originally introduced, this bill proposed some dramatic changes to current law — changes I didn’t necessarily agree with. The bill went through some fairly substantial changes, ultimately cumulating in the H-7 version before us today. This bill, however, does nothing new, and it is hard to support something that simply reiterates what is current practice. In addition, this is a local control issue — one that most appropriately should be handled at the school board level. Because House Bill 4278 offers no substantive change to the law, and because it impedes local control, I voted ‘no’ on House Bill 4278 (H-7).”

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

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

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

**House Bill No. 5470, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7214, 7403, and 7404 (MCL 333.7212, 333.7214, 333.7403, and 333.7404), sections 7212, 7403, and 7404 as amended by 2002 PA 710 and section 7214 as amended by 1982 PA 352, and by adding sections 7337, 7338, 7338a, and 7338b; and to repeal acts and parts of acts.

With the recommendation that the bill be referred to the Committee on Government Operations.

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Robertson, Hune, Ward, Ball, Mortimer, McDowell, Gleason and Angerer

Nays: Reps. Newell, Vander Veen, Nofs and Adamini

The recommendation was concurred in and the bill was referred to the Committee on Government Operations.

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

**House Bill No. 5630, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5112. 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. Gaffney, Newell, Robertson, Vander Veen, Hune, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Nays: None

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

**House Bill No. 5631, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2253 (MCL 333.2253).

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Nays: None

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

**Senate Bill No. 728, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9201, 9204, 9207, and 9227 (MCL 333.9201, 333.9204, 333.9207, and 333.9227), sections 9201 and 9227 as amended and section 9207 as added by 1996 PA 540.

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. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 21, 2006

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 21, 2006

Present: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Nitz, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Gleason, Leland and Condino

Absent: Reps. Wenke and Moore

Excused: Reps. Wenke and Moore

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, February 21, 2006

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Green, Hildenbrand, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett and Accavitti

Absent: Reps. Wenke, Jones, David Law, Marleau and McConico

Excused: Reps. Wenke, Jones, David Law, Marleau and McConico

## 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 Friday, February 17:

<b>House Bill Nos.</b>	<b>5684</b>	<b>5685</b>	<b>5686</b>	<b>5687</b>	<b>5688</b>	<b>5689</b>	<b>5690</b>	<b>5691</b>	<b>5692</b>	<b>5693</b>	<b>5694</b>	<b>5695</b>	<b>5696</b>	<b>5697</b>
	<b>5698</b>	<b>5699</b>	<b>5700</b>	<b>5701</b>	<b>5702</b>	<b>5703</b>	<b>5704</b>	<b>5705</b>	<b>5706</b>	<b>5707</b>	<b>5708</b>	<b>5709</b>	<b>5710</b>	<b>5711</b>
	<b>5712</b>	<b>5713</b>	<b>5714</b>	<b>5715</b>	<b>5716</b>									
<b>Senate Bill No.</b>	<b>1047</b>													

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 21, for her approval of the following bills:

**Enrolled House Bill No. 4544 at 10:17 a.m.**

**Enrolled House Bill No. 4606 at 10:19 a.m.**

**Enrolled House Bill No. 4727 at 10:21 a.m.**

**Enrolled House Bill No. 5498 at 10:23 a.m.**

The Clerk announced that the following Senate bill had been received on Tuesday, February 21:

**Senate Bill No. 1040**

By unanimous consent the House returned to the order of

**Messages from the Senate**

**Senate Bill No. 1040, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30101, 30104, and 30105 (MCL 324.30101, 324.30104, and 324.30105), section 30101 as amended by 1999 PA 106 and sections 30104 and 30105 as amended by 2004 PA 325.

The Senate has passed the bill.

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

### Messages from the Governor

Date: February 16, 2006

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. 4670 (Public Act No. 24, 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,” (MCL 333.1101 to 333.25211) by adding section 16184.

(Filed with the Secretary of State February 16, 2006, at 1:42 p.m.)

Date: February 16, 2006

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. 5375 (Public Act No. 25, 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,” (MCL 333.1101 to 333.25211) by adding section 16185.

(Filed with the Secretary of State February 16, 2006, at 1:44 p.m.)

Date: February 16, 2006

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. 5168 (Public Act No. 26, 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 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109.

(Filed with the Secretary of State February 17, 2006, at 10:01 a.m.)

Date: February 16, 2006

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. 5448 (Public Act No. 27, I.E.), being**

An act to amend 1974 PA 258, entitled "An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

(Filed with the Secretary of State February 17, 2006, at 10:03 a.m.)

### Communications from State Officers

The following communications from the Secretary of State were received and read:

#### Notices of Filing Administrative Rules

February 2, 2006

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 Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:50 A.M. this date, administrative rule (06-02-01) for the Department of Community Health, Director's Office, entitled "*Respiratory Care-General Rules*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

February 2, 2006

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 Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:52 A.M. this date, administrative rule (06-02-02) for the Department of Environmental Quality, Office of Geological Survey, entitled "*Part 632. Nonferrous Metallic Mineral Mining*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), of 1969 PA 306. Rules adopted under these sections become 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 communications were referred to the Clerk.



### Introduction of Bills

Reps. Gonzales, Vagnozzi, Plakas, Polidori, Clack, Farrah and Gleason introduced

**House Bill No. 5717, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 59 and 78n (MCL 211.59 and 211.78n), section 59 as amended by 2001 PA 97 and section 78n as added by 1999 PA 123.

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

Reps. Shaffer, Jones, Nitz, Caswell, Booher, Schuitmaker, Ball, Cushingberry and Pastor introduced

**House Bill No. 5718, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 11 (MCL 46.11), as amended by 2003 PA 94.

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

Reps. Caul, Vander Veen, Emmons, Ball, Nitz, Proos, Pavlov, Wenke, Polidori, Hansen and Stahl introduced

**House Bill No. 5719, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding sections 217g and 217h.

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

Rep. Brown introduced

**House Bill No. 5720, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

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

Rep. Brown introduced

**House Bill No. 5721, entitled**

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to prescribe standards and conditions relating to the appropriations; to make appropriations for the fiscal year ending September 30, 2007; and to provide for the expenditure of the appropriations.

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

Rep. Brown introduced

**House Bill No. 5722, entitled**

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Rep. Brown introduced

**House Bill No. 5723, entitled**

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2007, to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

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

Rep. Brown introduced

**House Bill No. 5724, entitled**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

Rep. Brown introduced

**House Bill No. 5725, entitled**

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

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

Rep. Brown introduced

**House Bill No. 5726, entitled**

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Brown introduced

**House Bill No. 5727, entitled**

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

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

Rep. Brown introduced

**House Bill No. 5728, entitled**

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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

Rep. Brown introduced

**House Bill No. 5729, entitled**

A bill to make appropriations for the department of history, arts and libraries for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Rep. Brown introduced

**House Bill No. 5730, entitled**

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

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

Rep. Brown introduced

**House Bill No. 5731, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2007; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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

Rep. Brown introduced

**House Bill No. 5732, entitled**

A bill to make appropriations for the department of labor and economic growth, and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

Rep. Brown introduced

**House Bill No. 5733, entitled**

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2007; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

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

Rep. Brown introduced

**House Bill No. 5734, entitled**

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

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

Rep. Brown introduced

**House Bill No. 5735, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 11, 11a, 11f, 11g, 11j, 11k, 14, 15, 17a, 17b, 18, 19, 20, 20d, 20j, 22a, 22b, 22d, 24, 25a, 26a, 26b, 31a, 31d, 31f, 32c, 32d, 32j, 32l,

39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 54a, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 107, 121, 147, 161a, and 167 (MCL 388.1603, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1611k, 388.1614, 388.1615, 388.1617a, 388.1617b, 388.1618, 388.1619, 388.1620, 388.1620d, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625a, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632c, 388.1632d, 388.1632j, 388.1632l, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1654a, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1699, 388.1701, 388.1707, 388.1721, 388.1747, 388.1761a, and 388.1767), sections 3, 6, 11, 11a, 11f, 11g, 11j, 15, 18, 19, 20, 20j, 22a, 22b, 22d, 24, 26a, 31a, 31d, 32c, 32d, 32j, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 99, 101, 107, 147, and 167 as amended and sections 11k, 26b, 31f, 32l, and 54a as added by 2005 PA 155, section 14 as amended by 1993 PA 336, section 17a as amended by 2005 PA 95, section 17b as amended by 2005 PA 150, section 20d as amended by 1997 PA 93, sections 25a and 161a as added by 1998 PA 553, and section 121 as amended by 1995 PA 130, and by adding sections 22e, 24a, 24c, 29, 32, 32b, 34, 35, 64, 65, 66, 99c, and 104; and to repeal acts and parts of acts.

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

Rep. Brown introduced

**House Bill No. 5736, entitled**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2007; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

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

Rep. Brown introduced

**House Bill No. 5737, entitled**

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2007; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

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

By unanimous consent the House returned to the order of

**Motions and Resolutions**

THIS RESOLUTION IS OFFERED PURSUANT TO ARTICLE III, SECTION 8 OF THE MICHIGAN CONSTITUTION

Reps. Ward, Hildenbrand, Hummel, Caswell, Rocca, Mortimer, Gosselin, Marleau, LaJoy, Ball, Emmons, Pastor, Brandenburg, Van Regenmorter, Gaffney, Sheen, Nofs, Taub, Nitz, Moolenaar, Caul, Huizenga, Stakoe, Proos, Baxter, Green, David Law, Jones, Vander Veen, Kahn, Hune, Meyer, Moore, Amos, Shaffer, Pavlov, Steil, Palsrok, Stahl, Hoogendyk, Hansen, Newell, Farhat, Casperson, Robertson, Garfield, Elsenheimer, Schuitmaker, Pearce and Kooiman offered the following resolution:

**House Resolution No. 199.**

A resolution to request the Michigan Supreme Court to issue an opinion on the constitutionality of the provisions of 2005 PA 71 that require voters to provide photo identification in order to obtain a ballot.

Whereas, The sanctity of the elections process is a cornerstone of our democracy. In an effort to safeguard the integrity of elections, the Legislature and the Governor amended the Michigan Election Law (1954 PA 116) in 1996 to provide that voters must identify themselves at polling places by presenting photo identification; and

Whereas, In 1997, Michigan's Attorney General issued an opinion (OAG No. 6930, issued January 29, 1997) that said that the photo identification requirement, contained in MCL § 168.523, violated the equal protection clause of the Fourteenth Amendment to the United States Constitution. Since the issuance of this opinion, neither of Michigan's Secretaries of State, nor any local election official, has enforced the photo identification requirements of MCL § 168.523; and

Whereas, In 2002, the federal government took a major step to strengthen our elections process with the Help America Vote Act (HAVA), which requires first-time voters who register to vote by mail to produce proof of identity, which may include photo identification; and

Whereas, In the past few years, many states, complying with HAVA, have enacted legislation to require stronger voter identification procedures. In 2005, Michigan enacted Senate Bill No. 513 into law as 2005 PA 71 and reenacted the photo identification requirements in MCL § 168.523. This amendatory act will not take effect until January 1, 2007; and

Whereas, Article III, Section 8 of the Michigan Constitution provides that “Either house of the legislature or the governor may request the opinion of the supreme court on important questions of law upon solemn occasions as to the constitutionality of legislation after it has been enacted into law but before its effective date”; now, therefore, be it

Resolved by the House of Representatives, That we request the Michigan Supreme Court to issue an opinion, pursuant to Article III, Section 8 of the Michigan Constitution, on the following important question of law: Do the photo identification requirements contained in 2005 PA 71 violate either the Michigan Constitution or the United States Constitution?; and be it further

Resolved, That copies of this resolution and a copy of 2005 PA 71 be transmitted to the Michigan Supreme Court. The resolution was referred to the Committee on House Oversight, Elections, and Ethics.

### Reports of Standing Committees

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

**House Bill No. 4566, entitled**

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending section 411 (MCL 339.411), as amended by 2004 PA 373.

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. Rocca, Jones, Van Regenmorter, Gaffney, Wojno, McDowell and Virgil Smith

Nays: None

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

**House Bill No. 5354, entitled**

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

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, Wojno, McDowell and Virgil Smith

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, February 21, 2006

Present: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Palsrok, Wojno, McDowell and Virgil Smith

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

Rep. Ward moved that the House adjourn.  
The motion prevailed, the time being 3:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 22, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives