

No. 86
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Wednesday, November 10, 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—excused |
| 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—present | Murphy—present | Stallworth—present |
| Brandenburg—present | Hood—present | Newell—present | Steil—present |
| Brown—excused | 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—present | 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—present | 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—present |
| 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. David Palsrok, from the 101st District, offered the following invocation:

“Dear Lord, thank You for this day and thank You for allowing us to serve the great people of this state.

Lord, as we are on the eve of Veteran’s day let us remember all those who have served this nation in the great pursuit of freedom... justice... and liberty. We know it is their sacrifices that have protected us and have made this nation great.

Lord, we ask that You be with the many veterans who still suffer from the deep scars of war. Those scars may be physical, psychological, or emotional we ask Lord that You place Your healing hands upon them as they travel the almost endless road of recovery.

Lord, we ask You to also be in the hearts of the families that may have lost their loved ones in the ultimate sacrifice.

Oh Lord, also be with our troops today and everyday as many of our great patriots are in harms way. We ask that You protect them in the palm of Your hand as it is they who protect us.

We give thanks Lord in the opportunity You have given us. Let us use our mouths to communicate, our ears to listen, our brains to understand, our hearts to feel compassion and our hands to lift up our neighbors.

We ask for Your strength, wisdom, courage, and understanding.

We pray in Your name... Amen.”

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

Messages from the Senate

House Bill No. 5843, 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 section 6 (MCL 41.806), as amended by 1989 PA 81.

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

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

House Bill No. 6169, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 14h and 16o of chapter XVII (MCL 777.14h and 777.16o), section 14h as amended by 2003 PA 134 and section 16o as amended by 2000 PA 389.

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. 6174, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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. 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 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 authorize the state administrative board to convey certain parcels of state owned property in Ingham county and Kent county; to prescribe conditions for the conveyances; to provide for certain powers and duties of certain state departments and agencies with regard to the conveyances; and to provide for disposition of the revenue from the conveyances.

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

House Bill No. 6173, entitled

A bill to amend 1985 PA 87, entitled "Crime victim's rights act," (MCL 780.751 to 780.834) by adding sections 4a, 33b, and 64a.

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 1985 PA 87, entitled "An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies," (MCL 780.751 to 780.834) by adding sections 4a and 33b.

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

House Bill No. 6177, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 539k.

The Senate has amended the bill as follows:

1. Amend page 1, line 3, after "**photograph,**" by striking out the balance of the line through "**transmit**" on line 4 and inserting "**or otherwise capture or record, electronically or by any other means, or distribute, disseminate, or transmit, electronically or by any other means,**".

2. Amend page 1, following line 9, by inserting:

"(3) This section does not apply to a peace officer of this state, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this section." and renumbering the remaining subsections.

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

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

Senate Bill No. 220, entitled

A bill to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The Senate has substituted (S-3) the House substitute (H-3).

The Senate has concurred in the House substitute (H-3) as substituted (S-3), ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 657, entitled

A bill to amend 1976 PA 331, entitled "An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

The Senate has substituted (S-1) the House substitute (H-4).

The Senate has concurred in the House substitute (H-4) as substituted (S-1), ordered that the bill be given immediate effect and agreed to the full title.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 6314, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

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. Bradstreet, Huizenga, Middaugh, Bisbee, LaSata, Casperson, DeRoche, Garfield, Palsrok, Stahl and Rivet

Nays: Reps. Nitz, McConico, Woodward, Hopgood, Murphy and Stallworth

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: Wednesday, November 10, 2004

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 10, 2004

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Newell, Stewart, Acciavatti, Amos, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Whitmer, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Sak, Zelenko and O'Neil

Absent: Reps. Kooiman, Caswell, Mortimer and Brown

Excused: Reps. Kooiman, Caswell, Mortimer and Brown

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

Second Reading of Bills

House Bill No. 6310, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18, 19, 19a, and 19c of chapter XIII (MCL 712A.13a, 712A.13b, 712A.17d, 712A.18, 712A.19, 712A.19a, and 712A.19c), section 13a

as amended by 2000 PA 55, sections 13b, 19a, and 19c as amended by 2000 PA 46, section 17d as added by 1998 PA 480, section 18 as amended by 2004 PA 221, and section 19 as amended by 1998 PA 530.

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. 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.

Rep. Waters moved that Rep. Hardman 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. 6310, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18, 19, 19a, and 19c of chapter XIA (MCL 712A.13a, 712A.13b, 712A.17d, 712A.18, 712A.19, 712A.19a, and 712A.19c), section 13a as amended by 2000 PA 55, sections 13b, 19a, and 19c as amended by 2000 PA 46, section 17d as added by 1998 PA 480, section 18 as amended by 2004 PA 221, and section 19 as amended by 1998 PA 530.

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

Roll Call No. 888

Yeas—105

| | | | |
|-------------|---------------|--------------|-----------------|
| Accavitti | Garfield | Meyer | Sheen |
| Acciavatti | Gielegem | Middaugh | Sheltrown |
| Adamini | Gillard | Milosch | Shulman |
| Amos | Gleason | Minore | Spade |
| Anderson | Hager | Moolenaar | Stahl |
| Bieda | Hart | Mortimer | Stakoe |
| Bisbee | Hood | Murphy | Stallworth |
| Brandenburg | 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 | Phillips | Voorhees |
| Dennis | Julian | Plakas | Walker |
| DeRoche | Koetje | Pumford | Ward |
| DeRossett | Kolb | Reeves | Waters |
| Dillon | Kooiman | Richardville | Wenke |
| Drolet | LaJoy | Rivet | Whitmer |
| Ehardt | LaSata | Robertson | Williams |
| Elkins | Law | Rocca | Wojno |
| Emmons | Lipsey | Sak | Woodward |
| Farhat | McConico | Shackleton | Woronchak |
| Farrah | Meisner | Shaffer | Zelenko |
| Gaffney | | | |

Nays—0

In The Chair: Ehardt

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 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

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.

The Speaker Pro Tempore resumed the Chair.

Second Reading of Bills**House Bill No. 6315, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 305 and 509 (MCL 38.2305 and 38.2509), section 305 as amended by 2002 PA 95.

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. 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.

Rep. Waters moved that Reps. Dennis and Hood 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. 6315, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 305 and 509 (MCL 38.2305 and 38.2509), section 305 as amended by 2002 PA 95.

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

Roll Call No. 889**Yeas—88**

Accavitti
Adamini
Amos

Gaffney
Garfield
Gielegem

Middaugh
Minore
Moolenaar

Sheltrown
Shulman
Spade

| | | | |
|-------------|---------------|--------------|-----------------|
| Anderson | Gillard | Mortimer | Stahl |
| Bieda | Gleason | Murphy | Stakoe |
| Bisbee | Hager | Newell | Stallworth |
| Brandenburg | Hart | Nitz | Stewart |
| Byrum | Hopgood | Nofs | Tabor |
| Casperson | Howell | O'Neil | Tobocman |
| Caswell | Huizenga | Palsrok | Vagnozzi |
| Caul | Hunter | Pappageorge | Van Regenmorter |
| Cheeks | Jamnick | Pastor | Vander Veen |
| Clack | Johnson, Ruth | Phillips | Voorhees |
| Condino | Julian | Plakas | Ward |
| Daniels | Koetje | Pumford | Waters |
| DeRossett | Kolb | Reeves | Wenke |
| Dillon | LaJoy | Richardville | Whitmer |
| Ehardt | Law | Rivet | Williams |
| Elkins | Lipsey | Rocca | Wojno |
| Emmons | McConico | Sak | Woodward |
| Farhat | Meisner | Shackleton | Woronchak |
| Farrah | Meyer | Shaffer | Zelenko |

Nays—15

| | | | |
|------------|-----------|-----------|--------|
| Acciavatti | Hoogendyk | Milosch | Steil |
| Bradstreet | Hummel | Palmer | Taub |
| DeRoche | Hune | Robertson | Walker |
| Drolet | Kooiman | 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.

Rep. LaSata, under Rule 32, made the following statement:
“Mr. Speaker and members of the House:
I did not vote on Roll Call No. 889 because of a possible conflict of interest.”

Second Reading of Bills

House Bill No. 6284, entitled

A bill to amend 2003 PA 215, entitled “Credit union act,” by amending sections 102, 104, 201, 203, 212, 214, 217, 234, 301, 302, 304, 307, 331, 341, 342, 345, 352, 357, 371, 373, 374, 382, 386, 401, 402, 407, and 423 (MCL 490.102, 490.104, 490.201, 490.203, 490.212, 490.214, 490.217, 490.234, 490.301, 490.302, 490.304, 490.307, 490.331, 490.341, 490.342, 490.345, 490.352, 490.357, 490.371, 490.373, 490.374, 490.382, 490.386, 490.401, 490.402, 490.407, and 490.423).

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

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

Rep. Palsrok 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. 6284, entitled

A bill to amend 2003 PA 215, entitled "Credit union act," by amending sections 102, 104, 201, 203, 212, 214, 217, 234, 301, 302, 304, 307, 331, 341, 342, 345, 352, 357, 371, 373, 374, 382, 386, 401, 402, 407, and 423 (MCL 490.102, 490.104, 490.201, 490.203, 490.212, 490.214, 490.217, 490.234, 490.301, 490.302, 490.304, 490.307, 490.331, 490.341, 490.342, 490.345, 490.352, 490.357, 490.371, 490.373, 490.374, 490.382, 490.386, 490.401, 490.402, 490.407, and 490.423).

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

Roll Call No. 890

Yeas—107

| | | | |
|-------------|---------------|--------------|-----------------|
| Accavitti | Gaffney | Meisner | Sheen |
| Acciavatti | Garfield | Meyer | Sheltrown |
| Adamini | Gielegem | Middaugh | Shulman |
| Amos | Gillard | Milosch | Spade |
| Anderson | Gleason | Minore | Stahl |
| Bieda | Hager | Moolenaar | Stakoe |
| Bisbee | Hart | Mortimer | Stallworth |
| Bradstreet | Hood | Murphy | Steil |
| Brandenburg | 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 | Phillips | Walker |
| Dennis | Johnson, Ruth | Plakas | Ward |
| DeRoche | Julian | Pumford | Waters |
| DeRossett | Koetje | Reeves | Wenke |
| Dillon | Kolb | Richardville | Whitmer |
| Drolet | Koومان | Rivet | Williams |
| Ehardt | LaJoy | Robertson | Wojno |
| Elkins | LaSata | Rocca | Woodward |
| Emmons | Law | Sak | Woronchak |
| Farhat | Lipsey | Shackleton | Zelenko |
| Farrah | McConico | 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. 6102, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20910 (MCL 333.20910), as amended by 2000 PA 375.

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. Newell 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. 6102, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20910 (MCL 333.20910), as amended by 2000 PA 375.

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

Roll Call No. 891

Yeas—106

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

Nays—1

Drolet

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 section 20910 (MCL 333.20910), as amended by 2004 PA 200.

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. 6103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

The bill was read a second time.

Rep. Newell 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. 6103, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20908 (MCL 333.20908), as amended by 2000 PA 375.

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

Roll Call No. 892

Yeas—106

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

Emmons
Farhat
Farrah
Gaffney

Law
Lipsey
McConico
Meisner

Sak
Shackleton
Shaffer

Woodward
Woronchak
Zelenko

Nays—1

Drolet

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. 6104, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917a.

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. Newell 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. Adamini 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. 6104, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 20917a.

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

Roll Call No. 893

Yeas—105

Accavitti
Acciavatti
Amos
Anderson
Bieda
Bisbee
Bradstreet

Gielegem
Gillard
Gleason
Hager
Hart
Hood
Hoogendyk

Meyer
Middaugh
Milosch
Minore
Moolenaar
Mortimer
Murphy

Sheen
Sheltrown
Shulman
Spade
Stahl
Stakoe
Stallworth

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

Nays—1

Drolet

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. 6245, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21571.

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. Middaugh 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 Reps. Murphy and Phillips 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. 6245, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21571.

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

Roll Call No. 894**Yeas—105**

| | | | |
|-------------|---------------|--------------|-----------------|
| Accavitti | Gaffney | McConico | Sheen |
| Acciavatti | Garfield | Meisner | Sheltrown |
| Adamini | Gielegem | Meyer | Shulman |
| Amos | Gillard | Middaugh | Spade |
| Anderson | Gleason | Milosch | Stahl |
| Bieda | Hager | Minore | Stakoe |
| Bisbee | Hart | Moolenaar | Stallworth |
| Bradstreet | Hood | Mortimer | Steil |
| Brandenburg | 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 | Williams |
| Ehardt | LaJoy | Rocca | Wojno |
| Elkins | LaSata | Sak | Woodward |
| Emmons | Law | Shackleton | Woronchak |
| Farhat | Lipsey | Shaffer | Zelenko |
| Farrah | | | |

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. 4325, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

The bill was read a second time.

Rep. Drolet 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. 4325, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Roll Call No. 895**Yeas—69**

| | | | |
|-------------|---------------|--------------|------------|
| Accavitti | Ehardt | Koetje | Sheen |
| Acciavatti | Emmons | LaJoy | Sheltrown |
| Adamini | Farrah | Law | Shulman |
| Amos | Garfield | McConico | Spade |
| Anderson | Gielegem | Meyer | Stahl |
| Bisbee | Gillard | Milosch | Stakoe |
| Bradstreet | Gleason | Mortimer | Stallworth |
| Brandenburg | Hart | Nitz | Steil |
| Byrum | Hoogendyk | Palmer | Stewart |
| Casperson | Hopgood | Palsrok | Tabor |
| Caswell | Howell | Pastor | Voorhees |
| Caul | Huizenga | Phillips | Ward |
| Condino | Hummel | Plakas | Williams |
| Daniels | Hune | Pumford | Wojno |
| DeRoche | Hunter | Richardville | Woodward |
| DeRossett | Johnson, Ruth | Rocca | Woronchak |
| Dillon | Julian | Shaffer | Zelenko |
| Drolet | | | |

Nays—37

| | | | |
|---------|---------------|-------------|-----------------|
| Bieda | Johnson, Rick | Murphy | Shackleton |
| Cheeks | Kolb | Newell | Taub |
| Clack | Kooiman | Nofs | Tobocman |
| Dennis | LaSata | O'Neil | Vagnozzi |
| Elkins | Lipsey | Pappageorge | Van Regenmorter |
| Farhat | Meisner | Reeves | Vander Veen |
| Gaffney | Middaugh | Rivet | Walker |
| Hager | Minore | Robertson | Waters |
| Hardman | Moolenaar | Sak | Wenke |
| Jamnack | | | |

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. Robertson, 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:

In my first term in the House of Representatives in 1991, I was a co-sponsor of the Helmet Law repeal. I continue to believe in the individual liberties which motivated me to co-sponsor the bill at that time and are at the heart of the proponents arguments in favor of passage of HB 4325. This is one of the most difficult, if not the most difficult votes I have cast in my term in office. I opposed this bill because I believe the goal of HB 4325 proponents cannot-and will not- be achieved until a more comprehensive bill can be drafted to address the concerns raised by those who believe that the repeal of Michigan’s helmet law will result in higher insurance costs for all Michigan residents under Michigan’s unique No-fault auto insurance system. I believe those concerns have merit, and are the reason attempts to repeal the mandatory helmet law have continuously failed for more than two decades. This bill may be acted upon by the Senate in the few remaining days of this legislative session. If, however, it is not acted upon, and today’s vote ends

up a merely symbolic one, I look forward to working with ABATE and all other interested parties in the coming legislative session to craft a legislative solution that addresses the concerns of all Michigan residents, can secure passage of both the House and Senate and be signed into law by the Governor. I believe in adult choice. With resolution of the insurance issues, that goal can be achieved.”

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:

I voted ‘no’ on House Bill 4325 because of concerns of how it would affect the receipt of claims from the Michigan Catastrophic Claims Administration, which pays for health care needs resulting from the most serious traffic accidents in which private insurance caps are exceeded. It has been argued that eliminating the helmet requirement will dramatically increase these claims and ultimately the cost of insurance for Michigan citizens. Although I appreciate and respect the sentiments of those who argue for the abolition of this law, I think this Legislature owes the greater public the consideration of how this substantial change in the law may affect insurance rates. I say this in deference to the expense borne by insurance customers in this state, and the potential for far greater increases in rates that could result from this change in the law. Just this last summer, Michigan residents were hit with a twenty-seven dollar increase per vehicle for the Michigan Catastrophic Claims Association, and if the recent experiences of other states that repealed the mandatory adult helmet law are any indication, Michigan can expect to see a dramatic increase in motorcycle fatalities if this law is adopted. I note that upon abolition of similar laws in several states, notably Kentucky, which experienced a fifty percent increase in motorcycle fatalism; Louisiana, which experienced a one hundred percent increase; Arkansas which saw a twenty-nine percent increase in fatalities and Texas which saw an increase of thirty-seven percent. Indeed, a study at the University of Michigan Transportation Research Institute demonstrates that repeal of a mandatory and universally applied motorcycle helmet law in favor of an age-restricted helmet law has the following effects: Observed helmet use decreases from 99 to 40 percent; fatality rates increase from 38-70 percent; severe brain injury rates increase from 50-360 percent; and, hospital costs for motorcycle injuries increase from 38-50 percent.

Clearly the weight of the evidence is that motorcycle helmets reduce injury severity, that repeal of helmet laws decreases helmet use, and that states that repeal universal helmet laws experience increased motorcycle fatalities and injuries. While I fully believe that an informed and educated motorcycle driver can make his or her assessment of the risk, the rate payers of Michigan should not be subjected to the increased costs that another’s freedoms may entail. The current law is not simply a matter of protecting individuals from themselves. The cost of treating injuries suffered in motorcycle accidents is high, and in many cases the public must indirectly bear those costs (via surcharges on vehicle insurance for catastrophic claims, as one example).

If there was a way of ensuring that others will not be paying the increased insurance costs associated with the increased risk, I would feel more inclined to support this bill. After all, adults should be treated as adults. But as it stands, with Michigan’s No Fault Insurance statutes, House Bill 4325 carries the risk of higher insurance rates, and that is something I cannot support. Thank you.”

Second Reading of Bills

House Bill No. 5205, 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 16322 and part 165.

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. 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

House Bill No. 5205, 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 16322 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. 896**Yeas—92**

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

Nays—15

| | | | |
|------------|-----------|--------|-------|
| Acciavatti | Clack | Hummel | Sheen |
| Bradstreet | DeRoche | Hune | Stahl |
| Casperson | Drolet | Newell | Taub |
| Caswell | Hoogendyk | Palmer | |

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 16322 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.

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) was adopted, amended, vote reconsidered and bill postponed for the day on November 4, see House Journal No. 84, p. 2421.)

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,

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

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

The Committee on Higher Education, by Rep. Voorhees, Chair, reported
House Bill No. 5966, entitled

A bill to amend 1972 PA 251, entitled “An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements,” by amending sections 1, 3, and 4 (MCL 390.501, 390.503, and 390.504).

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. Voorhees, LaSata, Stakoe, Dennis and Hood

Nays: None

The Committee on Higher Education, by Rep. Voorhees, Chair, reported
House Bill No. 6242, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

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. Voorhees, LaSata, Stakoe, Dennis and Hood

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Voorhees, Chair, of the Committee on Higher Education, was received and read:

Meeting held on: Wednesday, November 10, 2004

Present: Reps. Voorhees, LaSata, Stakoe, Dennis and Hood

Absent: Reps. Hart and Smith

Excused: Reps. Hart and Smith

The Committee on Commerce, by Rep. Bisbee, Chair, reported
House Bill No. 4944, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Koetje, Middaugh, Huizenga, Hune, Palsrok, Wenke, Rivet, O'Neil and McConico
Nays: Reps. Lipsey, Murphy, Tobocman and Accavitti

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

House Bill No. 5747, entitled

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

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, DeRoche, Koetje, Middaugh, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti

Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti

Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti

Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti

Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

House Bill No. 5754, entitled

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

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

House Bill No. 5756, entitled

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

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, Lipsey, Tobocman and Accavitti
Nays: None

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

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.

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, DeRoche, Koetje, Middaugh, Palmer, Hune, Palsrok, O'Neil, McConico, Lipsey, 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: Wednesday, November 10, 2004

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

Absent: Reps. Howell and Milosch

Excused: Reps. Howell and Milosch

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

House Bill No. 4406, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 146.

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. LaJoy, Ehardt, Nitz, Ward, Farrah, Dennis and Law

Nays: None

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

House Bill No. 6235, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

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. LaJoy, Ehardt, Nitz, Ward, Farrah and Dennis

Nays: None

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

House Bill No. 6295, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 222 (MCL 560.222) and by adding section 222a.

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. LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah and Law

Nays: None

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

Senate Bill No. 1458, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 14721, 14723, and 14724.

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. LaJoy, Ehardt, Nitz, Ward, Farrah, Dennis and Law

Nays: None

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

Senate Bill No. 790, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 173.

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. LaJoy, Ehardt, DeRossett, Milosch, Nitz and Ward

Nays: Reps. Farrah, Gielegem and Law

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 174.

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. LaJoy, Ehardt, DeRossett, Milosch, Nitz and Ward

Nays: Reps. Farrah, Gielegem and Law

The Committee on Land Use and Environment, by Rep. LaJoy, Vice-Chair, reported

Senate Bill No. 1432, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 312.

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. LaJoy, Ehardt, Nitz, Ward, Farrah and Law

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Vice-Chair, of the Committee on Land Use and Environment, was received and read:

Meeting held on: Wednesday, November 10, 2004

Present: Reps. LaJoy, Ehardt, DeRossett, Milosch, Nitz, Ward, Farrah, Gielegem, Dennis and Law

Absent: Rep. Ruth Johnson

Excused: Rep. Ruth Johnson

Second Reading of Bills

House Bill No. 6243, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 632.

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

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

Rep. Rick Johnson moved to amend the bill as follows:

1. Amend page 5, line 9, after "**mine.**" by inserting "**However, the department shall not promulgate rules under this part after 1 year after the effective date of this part.**"

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

Rep. Casperson 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. 6243, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 632.

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

Roll Call No. 897**Yeas—108**

| | | | |
|-------------|-----------|-----------|------------|
| Accavitti | Gaffney | McConico | Shaffer |
| Acciavatti | Garfield | Meisner | Sheen |
| Adamini | Gielegem | Meyer | Sheltrown |
| Amos | Gillard | Middaugh | Shulman |
| Anderson | Gleason | Milosch | Spade |
| Bieda | Hager | Minore | Stahl |
| Bisbee | Hardman | Moolenaar | Stakoe |
| Bradstreet | Hart | Mortimer | Stallworth |
| Brandenburg | 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 | Jamnick | Pastor | Voorhees |
| Dennis | Johnson, Rick | Phillips | Walker |
| DeRoche | Johnson, Ruth | Plakas | Ward |
| DeRossett | Julian | Pumford | Waters |
| Dillon | Koetje | Reeves | Wenke |
| Drolet | Kolb | Richardville | Whitmer |
| Ehardt | Kooiman | Rivet | Williams |
| Elkins | LaJoy | Robertson | Wojno |
| Emmons | LaSata | Rocca | Woodward |
| Farhat | Law | Sak | Woronchak |
| Farrah | Lipsey | Shackleton | Zelenko |

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.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4358, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," 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.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

The motion prevailed.

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.

The question being on the motion made by Rep. Richardville,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Richardville,

The motion prevailed, 3/5 of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 898**Yeas—65**

| | | | |
|-------------|---------------|--------------|-----------------|
| Acciavatti | Hart | Moolenaar | Sheen |
| Amos | Hoogendyk | Mortimer | Sheltrown |
| Bisbee | Howell | Newell | Shulman |
| Bradstreet | Huizenga | Nitz | Stahl |
| Brandenburg | Hummel | Nofs | Stakoe |
| Casperson | Hune | Palmer | Steil |
| Caswell | Johnson, Rick | Palsrok | Stewart |
| Caul | Johnson, Ruth | Pappageorge | Tabor |
| DeRoche | Julian | Pastor | Taub |
| DeRossett | Koetje | Pumford | Van Regenmorter |
| Drolet | Kooiman | Richardville | Vander Veen |
| Ehardt | LaJoy | Rivet | Voorhees |
| Emmons | LaSata | Robertson | Walker |
| Farhat | Meyer | Rocca | Ward |
| Gaffney | Middaugh | Shackleton | Wenke |
| Garfield | Milosch | Shaffer | Woronchak |
| Hager | | | |

Nays—38

| | | | |
|-----------|-----------|---------|------------|
| Accavitti | Dillon | Law | Spade |
| Adamini | Elkins | Lipsey | Stallworth |
| Anderson | Farrah | Meisner | Vagnozzi |
| Bieda | Gieleghem | Minore | Waters |
| Byrum | Gleason | Murphy | Whitmer |
| Cheeks | Hardman | O'Neil | Williams |
| Clack | Hood | Plakas | Wojno |
| Condino | Hopgood | Reeves | Woodward |
| Daniels | Jamnick | Sak | Zelenko |
| Dennis | Kolb | | |

In The Chair: Julian

House Bill No. 6314, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

The bill was read a second time.

Rep. Murphy moved to amend the bill as follows:

1. Amend page 2, line 18, after "(1)" by inserting "**except under circumstances in which a liquid petroleum pipeline is proposed for construction within 500 feet of 1 or more public water wells in that city, village, or township**".

The question being on the adoption of the amendment offered by Rep. Murphy,

Rep. Murphy demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Murphy,

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

Roll Call No. 899**Yeas—36**

| | | | |
|-----------|----------|----------|------------|
| Accavitti | Dennis | Lipsey | Stallworth |
| Anderson | Dillon | McConico | Vagnozzi |
| Bieda | Gielegem | Meisner | Waters |
| Byrum | Hardman | Minore | Whitmer |
| Caul | Hood | Murphy | Williams |
| Cheeks | Hopgood | Plakas | Wojno |
| Clack | Hunter | Reeves | Woodward |
| Condino | Kolb | Sak | Woronchak |
| Daniels | Law | Spade | Zelenko |

Nays—62

| | | | |
|-------------|---------------|--------------|-----------------|
| Acciavatti | Gillard | Milosch | Shaffer |
| Amos | Hart | Moolenaar | Sheen |
| Bisbee | Hoogendyk | Mortimer | Sheltrown |
| Bradstreet | Howell | Newell | Stahl |
| Brandenburg | Huizenga | Nitz | Stakoe |
| Casperson | Hummel | Nofs | Steil |
| Caswell | Hune | Palmer | Stewart |
| DeRoche | Johnson, Rick | Palsrok | Tabor |
| DeRossett | Johnson, Ruth | Pappageorge | Taub |
| Drolet | Julian | Pastor | Van Regenmorter |
| Elkins | Koetje | Richardville | Vander Veen |
| Emmons | Kooiman | Rivet | Voorhees |
| Farhat | LaJoy | Robertson | Walker |
| Farrah | LaSata | Rocca | Ward |
| Gaffney | Meyer | Shackleton | Wenke |
| Garfield | Middaugh | | |

In The Chair: Julian

Rep. Murphy moved to amend the bill as follows:

1. Amend page 2, line 18, after “(1)” by inserting **“except under circumstances in which a liquid petroleum pipeline is proposed for construction within 500 feet of an existing school or existing public or private child care center or day care center or public or private child caring institution in that city, village, or township. As used in this section “school” means that term as defined in section 237a of the Michigan penal code, 1931 PA 328, MCL 750.237a”**.

The question being on the adoption of the amendment offered by Rep. Murphy,

Rep. Murphy demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Murphy,

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

Roll Call No. 900**Yeas—37**

| | | | |
|-----------|----------|----------|------------|
| Accavitti | Dillon | McConico | Stallworth |
| Adamini | Gielegem | Meisner | Vagnozzi |
| Anderson | Gleason | Minore | Waters |

| | | | |
|---------|---------|----------|-----------|
| Bieda | Hardman | Murphy | Whitmer |
| Byrum | Hood | Phillips | Williams |
| Cheeks | Hopgood | Plakas | Wojno |
| Clack | Hunter | Reeves | Woodward |
| Condino | Kolb | Sak | Woronchak |
| Daniels | Law | Spade | Zelenko |
| Dennis | | | |

Nays—64

| | | | |
|-------------|---------------|--------------|-----------------|
| Acciavatti | Garfield | Meyer | Shaffer |
| Amos | Gillard | Middaugh | Sheen |
| Bisbee | Hager | Milosch | Sheltrown |
| Bradstreet | Hart | Moolenaar | Shulman |
| Brandenburg | Hoogendyk | Mortimer | Stahl |
| Casperson | Howell | Newell | Stakoe |
| Caswell | Huizenga | Nitz | Steil |
| Caul | Hummel | Nofs | Stewart |
| DeRoche | Hune | Palsrok | Tabor |
| DeRossett | Johnson, Rick | Pappageorge | Taub |
| Drolet | Johnson, Ruth | Pastor | Van Regenmorter |
| Elkins | Julian | Pumford | Vander Veen |
| Emmons | Koetje | Richardville | Voorhees |
| Farhat | Kooiman | Robertson | Walker |
| Farrah | LaJoy | Rocca | Ward |
| Gaffney | LaSata | Shackleton | Wenke |

In The Chair: Julian

Rep. Hopgood moved to amend the bill as follows:

1. Amend page 2, line 18, after “(1)” by inserting “**except under circumstances in which a liquid petroleum pipeline is proposed for construction within 500 feet of an existing hospital or nursing home in that city, village, or township.**”.

The question being on the adoption of the amendment offered by Rep. Hopgood,

Rep. Hopgood demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Hopgood,

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

Roll Call No. 901**Yeas—37**

| | | | |
|-----------|----------|----------|------------|
| Accavitti | Dillon | Lipsey | Stallworth |
| Adamini | Gielegem | McConico | Tobocman |
| Anderson | Gleason | Meisner | Vagnozzi |
| Bieda | Hardman | Minore | Waters |
| Byrum | Hood | Murphy | Whitmer |
| Cheeks | Hopgood | Plakas | Williams |
| Clack | Hunter | Reeves | Wojno |
| Condino | Kolb | Sak | Woodward |
| Daniels | Law | Spade | Zelenko |
| Dennis | | | |

Nays—63

| | | | |
|-------------|---------------|--------------|-----------------|
| Acciavatti | Hager | Milosch | Sheen |
| Amos | Hart | Moolenaar | Sheltrown |
| Bisbee | Hoogendyk | Mortimer | Shulman |
| Bradstreet | Howell | Newell | Stahl |
| Brandenburg | Huizenga | Nitz | Stakoe |
| Casperson | Hummel | Nofs | Steil |
| Caswell | Hune | Palmer | Stewart |
| Caul | Johnson, Rick | Palsrok | Tabor |
| DeRossett | Johnson, Ruth | Pappageorge | Taub |
| Drolet | Julian | Pastor | Van Regenmorter |
| Elkins | Koetje | Pumford | Vander Veen |
| Emmons | Kooiman | Richardville | Voorhees |
| Farhat | LaJoy | Robertson | Walker |
| Gaffney | LaSata | Rocca | Ward |
| Garfield | Meyer | Shackleton | Wenke |
| Gillard | Middaugh | Shaffer | |

In The Chair: Julian

Rep. Stallworth moved to amend the bill as follows:

1. Amend page 2, line 18, after “(1)” by inserting “**except under circumstances in which a liquid petroleum pipeline is proposed for construction in a city, village, or township in which 1,000 or more residents of that city, village, or township live within 1/4 mile of the proposed liquid petroleum pipeline route**”.

The question being on the adoption of the amendment offered by Rep. Stallworth,

Rep. Stallworth demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Stallworth,

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

Roll Call No. 902**Yeas—36**

| | | | |
|-----------|---------|------------|-----------|
| Accavitti | Gleason | McConico | Tobocman |
| Anderson | Hardman | Meisner | Vagnozzi |
| Byrum | Hood | Minore | Waters |
| Cheeks | Hopgood | Murphy | Whitmer |
| Clack | Hunter | Phillips | Williams |
| Condino | Jamnick | Reeves | Wojno |
| Daniels | Kolb | Sak | Woodward |
| Dennis | Law | Spade | Woronchak |
| Gielegem | Lipsey | Stallworth | Zelenko |

Nays—63

| | | | |
|------------|----------|-----------|------------|
| Acciavatti | Gaffney | LaSata | Shackleton |
| Amos | Garfield | Middaugh | Sheen |
| Bieda | Gillard | Milosch | Sheltrown |
| Bisbee | Hager | Moolenaar | Shulman |
| Bradstreet | Hart | Newell | Stahl |

| | | | |
|-------------|---------------|--------------|-----------------|
| Brandenburg | Hoogendyk | Nitz | Stakoe |
| Casperson | Howell | Nofs | Steil |
| Caswell | Huizenga | Palmer | Tabor |
| Caul | Hummel | Palsrok | Taub |
| DeRoche | Hune | Pappageorge | Van Regenmorter |
| DeRossett | Johnson, Rick | Pastor | Vander Veen |
| Dillon | Johnson, Ruth | Pumford | Voorhees |
| Drolet | Julian | Richardville | Walker |
| Elkins | Koetje | Rivet | Ward |
| Emmons | Kooiman | Robertson | Wenke |
| Farhat | LaJoy | Rocca | |

In The Chair: Julian

Rep. Minore moved to amend the bill as follows:

1. Amend page 2, line 18, after “(1)” by inserting “**except under circumstances in which a liquid petroleum pipeline is proposed for construction within 500 feet of an existing entertainment facility with a seating capacity of 2,000 or more individuals in that city, village, or township**”.

The question being on the adoption of the amendment offered by Rep. Minore,

Rep. Minore demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Minore,

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

Roll Call No. 903

Yeas—33

| | | | |
|-----------|-----------|------------|-----------|
| Accavitti | Dillon | McConico | Tobocman |
| Anderson | Gieleghem | Meisner | Vagnozzi |
| Bieda | Hardman | Middaugh | Waters |
| Byrum | Hopgood | Minore | Whitmer |
| Cheeks | Jamnick | Murphy | Williams |
| Clack | Kolb | Sak | Wojno |
| Condino | Law | Spade | Woronchak |
| Daniels | Lipsey | Stallworth | Zelenko |
| Dennis | | | |

Nays—61

| | | | |
|-------------|---------------|--------------|-----------------|
| Acciavatti | Garfield | Meyer | Rocca |
| Adamini | Gillard | Milosch | Shaffer |
| Amos | Hager | Moolenaar | Sheen |
| Bisbee | Hart | Mortimer | Sheltrown |
| Bradstreet | Hoogendyk | Newell | Shulman |
| Brandenburg | Howell | Nitz | Stahl |
| Casperson | Huizenga | Nofs | Stakoe |
| Caswell | Hummel | Palmer | Steil |
| Caul | Hune | Palsrok | Stewart |
| DeRoche | Johnson, Rick | Pappageorge | Tabor |
| DeRossett | Julian | Pastor | Van Regenmorter |
| Drolet | Koetje | Pumford | Voorhees |
| Elkins | Kooiman | Richardville | Walker |

Emmons
Farhat
Gaffney

LaJoy
LaSata

Rivet
Robertson

Ward
Wenke

In The Chair: Julian

Rep. Sak moved to amend the bill as follows:

1. Amend page 2, line 18, after “(1)” by inserting “**except under circumstances in which a liquid petroleum pipeline is proposed for construction within 500 feet of an existing recreational facility which includes a swimming pool frequented by minor children in that city, village, or township**”.

The question being on the adoption of the amendment offered by Rep. Sak,

Rep. Sak demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Sak,

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

Roll Call No. 904

Yeas—38

Accavitti
Anderson
Bieda
Byrum
Cheeks
Clack
Condino
Daniels
Dennis
Dillon

Gielegem
Gleason
Hardman
Hood
Hopgood
Hunter
Jamnick
Kolb
Law
Lipsey

McConico
Meisner
Minore
Murphy
Plakas
Reeves
Sak
Spade
Stallworth

Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Woodward
Woronchak
Zelenko

Nays—65

Acciavatti
Amos
Bisbee
Bradstreet
Brandenburg
Casperson
Caswell
Caul
DeRoche
DeRossett
Drolet
Ehardt
Elkins
Emmons
Farhat
Gaffney
Garfield

Gillard
Hager
Hart
Hoogendyk
Howell
Huizenga
Hummel
Hune
Johnson, Rick
Johnson, Ruth
Julian
Koetje
Kooiman
LaJoy
LaSata
Meyer

Middaugh
Milosch
Moolenaar
Mortimer
Newell
Nitz
Nofs
Palmer
Palsrok
Pappageorge
Pastor
Pumford
Richardville
Rivet
Robertson
Rocca

Shackleton
Shaffer
Sheen
Sheltrown
Shulman
Stahl
Stakoe
Steil
Stewart
Tabor
Taub
Vander Veen
Voorhees
Walker
Ward
Wenke

In The Chair: Julian

Rep. Rivet 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. 6314, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

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

Roll Call No. 905

Yeas—61

| | | | |
|-------------|---------------|--------------|-----------------|
| Accavitti | Gaffney | Meyer | Shackleton |
| Acciavatti | Garfield | Middaugh | Shaffer |
| Amos | Gillard | Milosch | Sheen |
| Bieda | Hart | Moolenaar | Sheltrown |
| Bisbee | Hoogendyk | Mortimer | Shulman |
| Bradstreet | Howell | Newell | Steil |
| Brandenburg | Huizenga | Nofs | Tabor |
| Casperson | Hummel | Palmer | Taub |
| Caul | Hune | Palsrok | Van Regenmorter |
| DeRoche | Johnson, Rick | Pappageorge | Vander Veen |
| DeRossett | Julian | Pastor | Voorhees |
| Drolet | Koetje | Richardville | Walker |
| Ehardt | Kooiman | Rivet | Ward |
| Elkins | LaJoy | Robertson | Wenke |
| Emmons | LaSata | Rocca | Woodward |
| Farrah | | | |

Nays—45

| | | | |
|-----------|---------------|----------|------------|
| Adamini | Hager | Meisner | Stakoe |
| Anderson | Hardman | Minore | Stallworth |
| Byrum | Hood | Murphy | Stewart |
| Caswell | Hopgood | Nitz | Tobocman |
| Cheeks | Hunter | Phillips | Vagnozzi |
| Clack | Jamnick | Plakas | Waters |
| Condino | Johnson, Ruth | Pumford | Whitmer |
| Dennis | Kolb | Reeves | Williams |
| Dillon | Farhat | Law | Sak |
| Wojno | Gielegthem | Lipsey | Spade |
| Woronchak | Gleason | McConico | Stahl |
| Zelenko | | | |

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.

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

“Mr. Speaker and members of the House:

I voted no on House Bill 6314 because it is legally flawed and morally offensive, and because its outrageously expedited passage through this lame duck House session was disrespectful of both the legislative process and the citizens of this state.

The bill would reverse statutory language that currently serves an important purpose in the protection of public health and safety. Local units of government have the primary responsibility to protect the public health and public safety of their communities, including in particular their public water supplies. The current statute appropriately serves to balance the responsibility of local units of government regarding local public health and safety, with the regulatory responsibility of the state regarding energy accessibility and rates.

Local consent in such cases is a right guaranteed by Article 7, Section 29 of the Michigan Constitution, which states: ‘No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village’ and that ‘Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.’ Nevertheless, the unreasonably rushed passage of this bill did not allow for the consideration of this serious legal concern.

Furthermore, the question of whether or not it’s good public policy to locate liquid petroleum pipelines in the rights-of-way of Michigan’s busiest highways warrants public discussion and a thorough study of potential risks from both accidental damage and intentional damage. Locating a pipeline on a highway easement may decrease the pipeline’s likely exposure to certain types of third party activity (namely excavation by residential or commercial developers) but it will increase the pipeline’s likely exposure to other types of third party activity. An average of 40,500 vehicles per day travel on the section of I-96 at issue in the Lansing case, causing significant vibration. Also, maintenance and construction activities using heavy equipment take place regularly on highways and on highway rights-of-way as roads get repaired, widened or replaced.

Finally, and I think most egregiously, this bill is an attempt to force the implementation of a unjust decision made by members of the Public Service Commission in 2001-02: a decision that would discriminate against racial minorities and low income persons. House Bill 6314 will also pave the way for further instances of environmental discrimination in the future. If decisions involving the placement of liquid petroleum pipelines and other potential environmental hazards are allowed to be made solely at the highest levels of government, then it is only those with the greatest power and influence on the highest levels of state and federal government who will have their voices heard.”

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. 6242, entitled

A bill to amend 1966 PA 331, entitled “Community college act of 1966,” by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

The bill was read a second time.

Rep. Caswell 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. 6242, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending section 41 (MCL 389.41), as amended by 2000 PA 488.

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

Roll Call No. 906

Yeas—103

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

Rep. Richardville moved that Rule 48 be suspended.

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

House Bill No. 5966, entitled

A bill to amend 1972 PA 251, entitled “An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements,” by amending sections 1, 3, and 4 (MCL 390.501, 390.503, and 390.504).

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

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

Rep. Caswell moved to amend the bill as follows:

1. Amend page 2, line 14, after “**extension.**” by striking out “**Tuition rates**” and inserting “**The tuition rate for a student attending a public institution of higher education in this state**”.

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

Rep. Caswell 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. 5966, entitled**

A bill to amend 1972 PA 251, entitled “An act to provide for the reciprocal exchange of educational services between this state and other states; to provide for reduced or waived tuition, and to designate the state agency for negotiating agreements,” by amending sections 1, 3, and 4 (MCL 390.501, 390.503, and 390.504).

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

Roll Call No. 907**Yeas—104**

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

Nays—1

Hood

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 House returned to the consideration of

House Bill No. 4358, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” 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.

(The bill was considered earlier today, see today’s Journal p. 2505.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 908**Yeas—96**

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

Nays—10

Farrah
Hood
LaJoy

LaSata
Middaugh
Nofs

Shackleton
Stewart

Van Regenmorter
Woronchak

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.

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. 6235, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

The bill was read a second time.

Rep. Kolb 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. 6235, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901 and 16908 (MCL 324.16901 and 324.16908), as amended by 2002 PA 496.

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

Roll Call No. 909**Yeas—106**

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Bradstreet
Brandenburg
Byrum
Casperson
Caswell
Caul
Cheeks
Clack

Gaffney
Garfield
Gielegem
Gillard
Gleason
Hager
Hardman
Hart
Hood
Hoogendyk
Hopgood
Howell
Huizenga
Hummel
Hune

Meisner
Meyer
Middaugh
Milosch
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
Palmer
Palsrok
Pappageorge
Pastor

Sheen
Sheltrown
Shulman
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub
Tobocman
Vagnozzi
Van Regenmorter
Vander Veen

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

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.

Reps. Hardman, Daniels, Plakas, Anderson, Stewart, Rocca, Minore, Zelenko, Jamnick, DeRossett, Richardville, Lipsey, Bisbee, Kooiman, Voorhees, Middaugh, Hager, Hummel, Newell, Vander Veen, Dennis, Howell, Williams, Caul, Shackleton, Gaffney, Stallworth, Hunter, Brandenburg, Acciavatti, Condino, Vagnozzi, Accavitti, Stakoe, Hune, Gleason, Milosch, Caswell, Nofs, Ward, Emmons, Steil, Sak, Nitz, Stahl, Sheen, Farhat, Elkins, Moolenaar, Gillard, Casperson and Dillon were named co-sponsors of the bill.

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. 6295, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 222 (MCL 560.222) and by adding section 222a.

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

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

Rep. Pappageorge 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. 6295, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending section 222 (MCL 560.222) and by adding section 222a.

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

Roll Call No. 910

Yeas—103

| | | | |
|------------|----------|----------|-----------|
| Accavitti | Garfield | Meyer | Sheltrown |
| Acciavatti | Gielegem | Middaugh | Shulman |
| Adamini | Gillard | Milosch | Spade |
| Amos | Gleason | Minore | Stahl |

| | | | |
|-------------|---------------|--------------|-----------------|
| Anderson | Hager | Moolenaar | Stakoe |
| Bieda | Hardman | Mortimer | Stallworth |
| Bisbee | Hart | Murphy | Steil |
| Bradstreet | Hood | Newell | Stewart |
| Brandenburg | Hoogendyk | Nitz | Tabor |
| Byrum | Hopgood | Nofs | Taub |
| Casperson | Howell | Palmer | Tobocman |
| Caswell | Huizenga | Palsrok | Vagnozzi |
| Caul | Hummel | Pappageorge | Van Regenmorter |
| Cheeks | Hune | Pastor | Vander Veen |
| Clack | Hunter | Phillips | Voorhees |
| Condino | Jamnick | Plakas | Walker |
| Daniels | Johnson, Rick | Pumford | Ward |
| DeRoche | Johnson, Ruth | Reeves | Waters |
| DeRossett | Julian | Richardville | Wenke |
| Dillon | Koetje | Rivet | Whitmer |
| Drolet | Kolb | Robertson | Williams |
| Elkins | Kooiman | Rocca | Wojno |
| Emmons | LaJoy | Sak | Woodward |
| Farhat | LaSata | Shackleton | Woronchak |
| Farrah | Lipsey | Shaffer | Zelenko |
| Gaffney | Meisner | Sheen | |

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. 4406, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 146.

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

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

Rep. Kolb 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. Law 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. 4406, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 146.

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

Roll Call No. 911

Yeas—97

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

Nays—1

Drolet

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 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14722 and 14725.

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

Messages from the Senate

House Bill No. 5457, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 622a. The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 912

Yeas—101

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

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.

House Bill No. 5475, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 620. The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), 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.

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 913**Yeas—104**

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

House Bill No. 5627, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 18 (MCL 388.1618), as amended by 2003 PA 158.

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

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

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 914**Yeas—103**

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

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

The motion prevailed.

House Bill No. 5839, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 681, 682, 687, 1723, 1724, 1724a, and 1731 (MCL 380.681, 380.682, 380.687, 380.1723, 380.1724, 380.1724a, and 380.1731), sections 681, 682, 687, and 1724 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.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 915**Yeas—102**

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

Farrah
Gaffney

Lipsey
Meisner

Sheen

Zelenko

Nays—0

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.

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

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

House Bill No. 5850, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1804 (MCL 380.1804) and by adding sections 1814, 1815, and 1816.

The Senate has substituted (S-4) the bill.

The Senate has passed the bill as substituted (S-4), 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.

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

The substitute (S-4) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 916

Yeas—102

| | | | |
|-------------|-----------|-------------|-------------|
| Accavitti | Gaffney | Meisner | Sheen |
| Acciavatti | Garfield | Meyer | Sheltrown |
| Adamini | Gielegem | Middaugh | Shulman |
| Amos | Gillard | Milosch | Spade |
| Anderson | Gleason | Minore | Stahl |
| Bieda | Hager | Moolenaar | Stakoe |
| Bisbee | Hardman | Mortimer | Stallworth |
| Bradstreet | Hart | Murphy | Steil |
| Brandenburg | Hood | Newell | Stewart |
| Byrum | Hoogendyk | Nitz | Tabor |
| Casperson | Hopgood | Nofs | Taub |
| Caswell | Howell | Palmer | Tobocman |
| Caul | Huizenga | Palsrok | Vagnozzi |
| Cheeks | Hummel | Pappageorge | Vander Veen |
| Clack | Hune | Pastor | Voorhees |
| Condino | Hunter | Phillips | Walker |

| | | | |
|-----------|---------------|--------------|-----------|
| Daniels | Jamnick | Plakas | Ward |
| Dennis | Johnson, Rick | Reeves | Waters |
| DeRossett | Johnson, Ruth | Richardville | Wenke |
| Dillon | Julian | Rivet | Whitmer |
| Drolet | Koetje | Robertson | Williams |
| Ehardt | Kolb | Rocca | Wojno |
| Elkins | Kooiman | Sak | Woodward |
| Emmons | LaJoy | Shackleton | Woronchak |
| Farhat | LaSata | Shaffer | Zelenko |
| Farrah | Lipsey | | |

Nays—0

In The Chair: Julian

The House agreed to the full title of the bill.

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

The motion did not prevail, 3/5 of the members present not voting therefor.

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

House Bill No. 5851, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

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

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

A bill to amend 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.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 917

Yeas—98

| | | | |
|------------|---------|----------|---------|
| Accavitti | Farrah | Middaugh | Shulman |
| Acciavatti | Gaffney | Milosch | Spade |

| | | | |
|-------------|---------------|--------------|-----------------|
| Adamini | Garfield | Minore | Stahl |
| Amos | Gielegem | Moolenaar | Stakoe |
| Anderson | Gillard | Mortimer | Stallworth |
| Bieda | Gleason | Murphy | Steil |
| Bisbee | Hager | Newell | Stewart |
| Bradstreet | Hardman | Nitz | Tabor |
| Brandenburg | Hart | Nofs | Taub |
| Byrum | Hood | Palmer | Tobocman |
| Casperson | Hoogendyk | Palsrok | Vagnozzi |
| Caswell | Hopgood | Pappageorge | Van Regenmorter |
| Caul | Howell | Pastor | Vander Veen |
| Cheeks | Huizenga | Phillips | Voorhees |
| Clack | Hune | Plakas | Walker |
| Condino | Hunter | Reeves | Ward |
| Daniels | Johnson, Ruth | Richardville | Waters |
| Dennis | Julian | Rivet | Wenke |
| DeRossett | Koetje | Robertson | Whitmer |
| Dillon | Kolb | Rocca | Williams |
| Drolet | Kooiman | Sak | Wojno |
| Ehardt | LaJoy | Shackleton | Woodward |
| Elkins | LaSata | Sheen | Woronchak |
| Emmons | Meisner | Sheltrown | Zelenko |
| Farhat | Meyer | | |

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

The motion did not prevail, 3/5 of the members present not voting therefor.

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

House Bill No. 5921, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 611, 612, 614, 614a, 616, 617, and 701 (MCL 380.611, 380.612, 380.614, 380.614a, 380.616, 380.617, and 380.701), section 611 as amended by 1981 PA 87, section 614 as amended by 2004 PA 233, section 614a as added by 2004 PA 234, and sections 616, 617, and 701 as amended by 2003 PA 299, and by adding section 634.

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

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill 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.

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

Rep. Richardville moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 918**Yeas—103**

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

Nays—0

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.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Transportation, by Rep. Casperson, Vice-Chair, reported

House Bill No. 5430, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 684 (MCL 257.684).

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. Casperson, Hummel, Gaffney, Hune, Robertson, Gleason, Tobocman, Adamini, Murphy and Elkins
Nays: None

The Committee on Transportation, by Rep. Casperson, Vice-Chair, reported

Senate Bill No. 1171, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8901, 8904, and 8905a (MCL 324.8901, 324.8904, and 324.8905a), section 8904 as amended and section 8905a as added by 1998 PA 15.

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. Casperson, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini and Elkins
Nays: None

The Committee on Transportation, by Rep. Casperson, Vice-Chair, reported

Senate Bill No. 1383, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 10 (MCL 224.10), as amended by 2003 PA 137.

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

1. Amend page 2, line 15, after "than" by striking out "\$20,000.00" and inserting "\$10,000.00".

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. Casperson, DeRoche, Gaffney, Hune, Robertson, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 10, 2004

Present: Reps. Casperson, Hummel, DeRoche, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Adamini, Murphy and Elkins

Absent: Reps. DeRossett and Huizenga

Excused: Reps. DeRossett and Huizenga

Second Reading of Bills**House Bill No. 5308, 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 176.

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. Ruth Johnson 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. 5308, 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 176.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

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. 5430, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 684 (MCL 257.684).

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 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

House Bill No. 5430, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 684 (MCL 257.684).

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 for the day.

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Concurrent Resolution No. 46.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Wednesday, November 10, 2004, it stands adjourned until Tuesday, November 30, 2004, at 10:00 a.m. for the Senate and 1:00 p.m. for the House of Representatives.

The Senate has adopted the concurrent resolution.
 Pending the reference of the concurrent resolution to a committee,
 Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,
 The concurrent resolution was adopted.

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

Rep. Richardville moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

The motion prevailed.

Rep. Richardville 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. Richardville moved that when the House adjourns today it stand adjourned until Tuesday, November 30, at 1:00 p.m.
 The motion prevailed.

The Speaker, on behalf of the entire membership, offered the following resolution:

House Resolution No. 326.

A resolution offered as a memorial for Richard Headlee.

Whereas, Richard Headlee was a man devoted to God, family, and country. He spoke as a straight-shooter, never beating around the bush to curry favor or obscure his views; and

Whereas, In his public life, he remained a man of principle, and his views were clear-headed and consistent; and

Whereas, He believed passionately in a free society, and knew that preserving freedom required not just eternal vigilance, but bold and determined action; and

Whereas, He didn't run for governor because he wanted to be "in charge" or because he craved the limelight, but because he was a living example of the ancient republican ideal: the citizen who sets down his plow to put right what is wrong and serve his community; and

Whereas, Action was a natural extension of who Dick was, and Michigan is demonstrably better for it; and

Whereas; His tireless work on behalf of taxpayers, enshrined in 1978 in our state constitution's "Headlee Amendment," gave Michigianians a powerful shield in the battle to restrain government excess; and

Whereas, His resolve inspired and energized a new generation of leaders, and his forceful yet congenial persuasiveness, often wrapped in clever verse or rhetorical flourish, won the hearts and minds of countless citizens; and

Whereas, Dick Headlee was a genuine Michigan statesman. We are grateful for his contributions to our taxpayers and our state; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life of Richard Headlee; and be it further

Resolved, That we extend our deepest sympathies to his wife, Mary, and the entire Headlee family.

The question being on the adoption of the resolution,

The resolution was adopted.

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:

House Bill Nos. 6326 6327 6328 6329 6330 6331 6332

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

Senate Bill Nos. **683** **684** **685** **686** **1153** **1154** **1155** **1156** **1157** **1185** **1341** **1416** **1434** **1447**
 1448 **1449** **1450** **1453** **1463** **1464** **1465** **1466** **1467** **1468** **1469** **1470** **1471** **1472**

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 5989, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5I (MCL 28.425I), as amended by 2002 PA 719.

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. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Nitz, Gillard and Sheltroun

Nays: None

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported

House Bill No. 6272, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40110 (MCL 324.40110), as added by 1995 PA 57.

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. Tabor, Milosch, Bradstreet, Richardville, Rocca, Nitz, Gillard and Sheltroun

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair, of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, November 10, 2004

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Gillard and Sheltroun

Absent: Reps. Farrah and Accavitti

Excused: Reps. Farrah and Accavitti

Messages from the Senate

Senate Bill No. 757, entitled

A bill 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 5475a.

The Senate has amended the House substitute (H-2) as follows:

1. Amend page 1, line 4, after the first "to" by striking out "be lead poisoned" and inserting "have 10 micrograms or more of lead per deciliter of venous blood".

2. Amend page 2, line 5, after "owner" by inserting "of the rental unit".

3. Amend page 2, line 8, after "owner" by inserting "of the rental unit".

4. Amend page 2, line 11, after "owner" by inserting "of the rental unit".

5. Amend page 2, line 15, after "owner" by inserting "of the rental unit".

6. Amend page 2, line 19, after "owner" by inserting "of the rental unit".

7. Amend page 2, line 22, after "owner" by inserting "of the rental unit".

8. Amend page 2, line 25, after "owner" by inserting "of the rental unit".

9. Amend page 3, line 1, by striking out all of subsection (4), and inserting:

"(4) The property manager, housing commission, or owner of the rental unit may assert one or more of the following as an affirmative defense in a prosecution of violating this section, and has the burden of proof on that defense by a preponderance of the evidence:

(i) That the property manager, housing commission, or owner of the rental unit requested or contracted with a person having responsibility for maintaining the rental unit to reduce the hazard through interim controls or abatement and reasonably expected that the hazard would be reduced.

(ii) That the tenant would not allow entry into or upon premises where the hazard is located or otherwise interfered with correcting the hazard."

10. Amend page 3, line 18, by striking out "November 1, 2004" and inserting "January 2, 2005".

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 792, entitled

A bill to prohibit certain acts and practices concerning identity theft; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

The Senate has amended the House substitute (H-4) as follows:

1. Amend page 5, line 14, after "subsection" by striking out "(5)" and inserting "(6)".

2. Amend page 5, line 24, after "section" by inserting "or any other violation of law committed by that person while violating or attempting to violate this section."

3. Amend page 5, following line 24, by inserting:

"(4) The court may order that a term of imprisonment imposed under this section be served consecutively to any term of imprisonment imposed for a conviction of any other violation of law committed by that person using the information obtained in violation of this section or any other violation of law committed by that person while violating or attempting to violate this section." and renumbering the remaining subsections.

4. Amend page 8, line 6, after the first "to" by striking out the balance of the subdivision and inserting "a purchase of a credit obligation in an acquisition, merger, purchase of assets, or assumption of liabilities or any change to or review of an existing credit account."

The Senate has concurred in the House substitute (H-4) as amended and ordered that the bill be given immediate effect.

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

Senate Bill No. 793, entitled

A bill to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 10c to chapter II.

The Senate has amended the House substitute (H-3) as follows:

1. Amend page 1, line 2, after "(1)" by striking out "A" and inserting "**Conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328, or a**".

2. Amend page 1, line 4, after "as" by inserting "**conduct prohibited under former section 285 of the Michigan penal code, 1931 PA 328, or**".

3. Amend page 2, following line 5, by inserting:

"Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 792 of the 92nd Legislature is enacted into law."

The Senate has concurred in the House substitute (H-3) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 795, entitled

A bill to establish the social security number privacy act in the state of Michigan; to prescribe penalties; and to provide remedies.

The Senate has amended the House substitute (H-5) as follows:

1. Amend page 1, line 6, subparagraph (vii), after "surcharge" by striking out "as provided by" and inserting "paid under section 3a".

2. Amend page 1, following the House amendment to line 6, by inserting new subdivisions as follows:

"(b) "Computer", "computer network", or "computer system" mean those terms as defined in section 2 of the Public Act 53 of 1979, MCL 752.792.

(c) "Internet" means that term as defined in 47 U.S.C. 230." and relettering the remaining subdivisions.

3. Amend page 1, line 8, after "service" by inserting "that does not require the signature of recipient indicating actual receipt".

4. Amend page 2, line 4, after "view" by inserting a comma and "including, but not limited to, open view on a computer device, computer network, website, or other electronic medium or device,".

5. Amend page 2, following line 11, by inserting a new subdivision as follows:

"(g) "Website" means a collection of pages of the world wide web or internet, usually in HTML format, with clickable or hypertext links to enable navigation from one page or section to another, that often uses associated graphics files to provide illustration and may contain other clickable or hypertext links."

6. Amend page 3, line 14, after "the" by striking out "website, computer system, or network" and inserting "internet website or computer system or network".

7. Amend page 3, line 23, after "rule," by striking out "or regulation" and inserting "regulation, or court order or rule".

8. Amend page 4, line 3, after "employee" by inserting "or health insurance".

9. Amend page 4, line 5, after "employee" by inserting "or health insurance".

10. Amend page 4, line 12, after "county" by inserting "clerk or".

11. Amend page 4, line 18, after "by" by inserting "or at the request of".

12. Amend page 6, line 9, after "employee" by inserting "or health insurance".

13. Amend page 7, line 9, after "documents" by inserting a comma and "which may be made available electronically".

14. Amend page 7, line 20, after "3" by inserting "with knowledge that the person's conduct violates this act".

15. Amend page 7, line 24, after “damages” by striking out the balance of the line through “\$1,000.00” on line 25 and inserting a period and “If the person knowingly violates section 3, an individual may recover actual damages or \$1,000.00”.

16. Amend page 7, line 25, after “greater.” by inserting “Prior to a civil action, if the individual made a written demand to the person for a violation of section 3 and the person did not pay the individual the amount of his or her actual damages within 60 days after the person received reasonable documentation of the actual damages, then, upon receiving an award for damages in a civil action for the violation of section 3, the individual may also recover reasonable attorneys fees. This subsection does not apply to a person for conduct by an employee of the person in violation of a privacy policy created pursuant to section 4 if the person has taken reasonable measures to enforce its policy and to correct and prevent the reoccurrence of any known violations.”.

The Senate has concurred in the House substitute (H-5) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

Senate Bill No. 798, entitled

A bill to amend 1976 PA 331, entitled “An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,” by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

1. Amend page 7, line 3, by striking out all of subdivision “(hh)” and inserting:

“(hh) Denying credit or public utility service to, or reducing the credit limit of, a consumer who is a victim of identity theft under the identity theft protection act, if the person denying credit or public utility service to or reducing the credit limit of that consumer has prior knowledge that the consumer was a victim of identity theft. A person is presumed to be the victim of identity theft if he or she possesses a valid police report evidencing the claim of the victim of identity theft. “Identity theft” means that term as defined under the identity theft protection act.”.

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

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

Senate Bill No. 803, entitled

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2002 PA 119.

The Senate has amended the House substitute (H-2) as follows:

1. Amend page 3, line 10, after “MCL” by striking out the balance of the line and inserting “445.65 and 445.67.”.

The Senate has concurred in the House substitute (H-2) as amended, ordered that the bill be given immediate effect and agreed to the full title.

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

Senate Bill No. 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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

Senate Bill No. 1153, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1278, 1279, 1279a, 1279c, 1279d, and 1525 (MCL 380.1278, 380.1279, 380.1279a, 380.1279c, 380.1279d, and 380.1525), sections 1278 and 1279c as amended by 1995 PA 289, sections 1279 and 1279d as amended by 2004 PA 399, section 1279a as added by 2002 PA 592, and section 1525 as amended by 2003 PA 202, and by adding section 1279g.

The Senate has passed the bill.

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

Senate Bill No. 1154, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending sections 3 and 9 (MCL 388.513 and 388.519), section 3 as amended by 1997 PA 178, and by adding section 3a.

The Senate has passed the bill.

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

Senate Bill No. 1155, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 31a, 98b, and 104a (MCL 388.1631a, 388.1698b, and 388.1704a), as amended by 2004 PA 351, and by adding section 104b.

The Senate has passed the bill.

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

Senate Bill No. 1156, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending sections 2, 6, 7, 8, and 9 (MCL 390.1452, 390.1456, 390.1457, 390.1458, and 390.1459), sections 2 and 7 as amended by 2002 PA 736, section 6 as amended by 2002 PA 537, and section 8 as amended by 2004 PA 69, and by adding sections 7a and 7b.

The Senate has passed the bill.

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

Senate Bill No. 1157, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending sections 3 and 9 (MCL 388.1903 and 388.1909) and by adding section 3a.

The Senate has passed the bill.

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

Senate Bill No. 1185, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 154 (MCL 211.154), as amended by 2003 PA 247.

The Senate has passed the bill.

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

Senate Bill No. 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.

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. 1416, entitled

A bill to amend 1967 PA 288, entitled "Land division act," by amending sections 111, 112, 113, 114, 115, 116, 117, 118, 120, 131, 142, 147, 161, 162, 163, 164, 165, 166, 167, 168, 169, and 171 (MCL 560.111, 560.112, 560.113, 560.114, 560.115, 560.116, 560.117, 560.118, 560.120, 560.131, 560.142, 560.147, 560.161, 560.162, 560.163, 560.164, 560.165, 560.166, 560.167, 560.168, 560.169, and 560.171), sections 117 and 169 as amended by 1998 PA 549, and by adding sections 112a and 167a; 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 Land Use and Environment.

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.

The Senate has passed the bill.

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

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.

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. 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.

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. 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.

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. 1450, entitled

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

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. 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 Senate has passed the bill.

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

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.

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. 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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

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.

The Senate has passed the bill.

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

Notices

Pursuant to Rule 44, the Speaker has made the following reassignment:

Senate Bill No. 925 referred to the Committee on Great Lakes and Tourism.

Introduction of Bills

Reps. Palmer, Voorhees, Robertson, Taub, Hummel, Ward, Drolet, Vander Veen, Huizenga, Shaffer and Bisbee introduced

House Bill No. 6333, entitled

A bill to amend 1970 PA 38, entitled "An act to provide for assessment and remedial assistance programs of students in reading, mathematics and vocational education," by amending section 2 (MCL 388.1082).

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

Reps. Voorhees, Palmer, Robertson, Vander Veen, Mortimer, Taub, Huizenga, Shaffer and Bisbee introduced

House Bill No. 6334, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1279 and 1280 (MCL 380.1279 and 380.1280), section 1279 as amended by 2004 PA 399 and section 1280 as amended by 2003 PA 275, and by adding sections 1279g and 1279h; and to repeal acts and parts of acts.

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

Rep. Kolb introduced

House Bill No. 6335, entitled

A bill to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 1 and 6 (MCL 125.31 and 125.36), as amended by 2001 PA 265.

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

Rep. Kolb introduced

House Bill No. 6336, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 80A.

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

Reps. Bradstreet, LaJoy and Rivet introduced

House Bill No. 6337, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295.

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

Reps. Howell, Ward and Williams introduced

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 first time by its title and referred to the Committee on Local Government and Urban Policy.

Rep. Stakoe introduced

House Bill No. 6339, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1 to chapter XVI.

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

Rep. Stakoe introduced

House Bill No. 6340, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21529.

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

Rep. Palsrok introduced

House Bill No. 6341, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding sections 499a and 499b.

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

Rep. Palsrok introduced

House Bill No. 6342, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 43562.

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

Rep. Palsrok introduced

House Bill No. 6343, entitled

A bill to amend 1915 PA 63, entitled "An act to provide for the furnishing of suitable flag holders and United States flags for the graves of veterans who served in the armed forces of the United States for the marking and designation

of the graves for memorial purposes; and to provide a penalty for the removal or destruction of the flag holders and United States flags when placed,” by amending section 1 (MCL 35.831), as amended by 1988 PA 263.

The bill was read a first time by its title and referred to the Committee on Veterans Affairs and Homeland Security.

Reps. Clack, Spade, Farrah, Vagnozzi, Condino, McConico, Anderson, Zelenko, Hardman, Reeves, Waters, Dennis, Jamnick, Adamini, Brown, Williams, Rocca, Gleason, Bieda, Lipsey, Minore, Sak, Smith, Hopgood, Gaffney, Phillips, O’Neil, Hager, Emmons, Stahl, Gielegem, Hart, Stewart, Whitmer, Pumford, Plakas, Hunter, Hood, Tobocman, Vander Veen, Voorhees, Ruth Johnson and Daniels introduced

House Bill No. 6344, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1138. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Lipsey and Howell introduced

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.

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

Rep. Kolb introduced

House Bill No. 6346, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 4a (MCL 208.4a), as added by 2003 PA 241, and by adding section 81.

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

Rep. Kolb introduced

House Bill No. 6347, entitled

A bill to amend 1990 PA 187, entitled “The pupil transportation act,” by amending sections 3 and 7 (MCL 257.1803 and 257.1807), section 7 as amended by 2000 PA 49, and by adding sections 4 and 54.

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

Rep. Kolb introduced

House Bill No. 6348, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 801 (MCL 257.801), as amended by 2003 PA 152.

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

Reps. Adamini, LaSata, Lipsey, Condino, Gillard and Howell introduced

House Bill No. 6349, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2431 (MCL 600.2431). The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Sheen, Hummel, Pastor, Stakoe, Palsrok, Kooiman, Garfield, Vander Veen, Stahl, Pappageorge and Shaffer introduced

House Bill No. 6350, entitled

A bill to amend 1975 PA 238, entitled “Child protection law,” by amending sections 8 and 8c (MCL 722.628 and 722.628c), section 8 as amended by 2004 PA 195 and section 8c as added by 1997 PA 168.

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

Reps. Sheen, Hummel, Hoogendyk, Pastor, Stakoe, Gleason, Hune, Palsrok, Newell, Kooiman, Garfield, Vander Veen, Stahl, Pappageorge and Shaffer introduced

House Bill No. 6351, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2001 PA 228.

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

Reps. Meisner, Law and Tobocman introduced

House Bill No. 6352, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 263 (MCL 18.1263). The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Meisner, Law, Tobocman and Hopgood introduced

House Bill No. 6353, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 92.

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

Reps. Meisner, Kolb, Law, Gillard, Condino and Tobocman introduced

House Bill No. 6354, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2687, 2688, and 16274 (MCL 333.2685, 333.2687, 333.2688, and 333.16274), section 16274 as added by 1998 PA 108.

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

Reps. Meisner, Law, Gillard and Tobocman introduced

House Bill No. 6355, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 430a (MCL 750.430a), as added by 1998 PA 110.

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

Reps. Meisner, Law, Gillard and Tobocman introduced

House Bill No. 6356, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16v of chapter XVII (MCL 777.16v), as amended by 2002 PA 123.

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

Reps. Pappageorge, Meisner, Vander Veen, Brandenburg, Richardville, Howell, Condino, Plakas, Woronchak, Caul, Kooiman, Sheen, Pumford and Ehardt introduced

House Joint Resolution EE, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to grant the legislature the authority to define additions and losses for property tax purposes.

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

Rep. Meyer moved that the House adjourn.

The motion prevailed, the time being 6:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, November 30, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives