

**No. 52**  
**STATE OF MICHIGAN**  
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**OF THE**  
**House of Representatives**  
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**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, June 8, 2005.

1:00 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Gabe Leland, from the 10th District, offered the following invocation:

“Thank you let us pray. GOD we pray today that we, as a body, will use the blessings that You have granted us to carry out Your divine will. That will is to work toward the repair of the world, and to find the strength to direct our yearning to social justice. Or as it is said in Hebrew: Tekkun Olam:

And we pray for the understanding of Your children whether they are Jews, Christians, Muslims, Hindus, or Buddhists, whether they are black or white, whether they are Hispanic, Asian, or Middle Eastern. May we, as a body, respect and honor all those who seek the radiance of Your mercy and Your justice.

So, as we go about the people’s business today, please bless us and give us the courage to fight the immense task that we have ahead of us. Please Lord help us to understand that, even though our powers might be strong, our power is but the concentrated voice of many. The great people of this state, whom we represent have entrusted us to carry out their will which they received through You Lord.

Occasionally we as legislators need to be less self-absorbed to carry out that will. It is through compromise, dialogue, and cooperation that we, as elected officials can achieve the ultimate goal of social justice and free our constituents of racism, greed, strife, and animosity.

As people of Faith, we know our yearning for Social Justice and our actions to create a better world, for all those who You created are expressions of Your divine will. Thank You for GOD for giving us the opportunity to express Your will and allowing us the greatest fulfillment of our lives, to take a stab at the betterment of mankind.

And Let us Say Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

### **Second Reading of Bills**

#### **House Bill No. 4555, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

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

The motion prevailed.

**House Bill No. 4823, entitled**

A bill to amend 1917 PA 273, entitled “An act to regulate and license pawnbrokers in certain governmental units of this state; and to prescribe certain powers and duties of certain local governmental units and state agencies,” by amending sections 8 and 9 (MCL 446.208 and 446.209), section 8 as amended by 2002 PA 469 and section 9 as amended by 2004 PA 585.

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

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

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

The motion prevailed.

**House Bill No. 4825, entitled**

A bill to amend 1982 PA 249, entitled “An act to establish the state children’s trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund,” by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 4826, entitled**

A bill to amend 1982 PA 250, entitled “Child abuse and neglect prevention act,” by amending section 4 (MCL 722.604).

The bill was read a second time.

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

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 4813, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

**Roll Call No. 170****Yeas—109**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Lipsey	Shaffer
Angerer	Garfield	Marleau	Sheen
Ball	Gillard	Mayes	Sheltrown
Baxter	Gleason	McConico	Smith, Alma
Bennett	Gonzales	McDowell	Smith, Virgil
Bieda	Gosselin	Meisner	Spade
Booher	Green	Meyer	Stahl
Brandenburg	Hansen	Miller	Stakoe
Brown	Hildenbrand	Moolenaar	Steil
Byrnes	Hood	Moore	Stewart
Byrum	Hoogendyk	Mortimer	Taub
Casperson	Hopgood	Murphy	Tobocman
Caswell	Huizenga	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter

Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer			

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

**House Bill No. 4814, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

**Roll Call No. 171****Yeas—109**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

**House Bill No. 4815, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

**Roll Call No. 172****Yeas—109**

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

**Nays—0**

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

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

Rep. Phillips entered the House Chambers.

**House Bill No. 4816, entitled**

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

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

**Roll Call No. 173**

**Yeas—80**

Accavitti	Emmons	LaJoy	Proos
Acciavatti	Espinoza	Law, David	Robertson
Amos	Farhat	Lemmons, III	Rocca
Angerer	Gaffney	Lemmons, Jr.	Schuitmaker
Ball	Garfield	Marleau	Shaffer
Baxter	Gillard	Mayes	Sheen
Bieda	Gleason	McConico	Smith, Virgil
Booher	Gosselin	McDowell	Spade
Brandenburg	Green	Meyer	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Casperson	Hoogendyk	Mortimer	Stewart
Caswell	Huizenga	Newell	Taub
Caul	Hummel	Nitz	Tobocman
Cheeks	Hune	Nofs	Van Regenmorter
Clemente	Hunter	Palmer	Vander Veen
DeRoche	Jones	Palsrok	Walker
Dillon	Kahn	Pastor	Ward
Drolet	Kehrl	Pavlov	Wenke
Elsenheimer	Kooiman	Pearce	Wojno

**Nays—29**

Adamini	Farrah	Meisner	Sheltrown
Anderson	Gonzales	Miller	Smith, Alma
Bennett	Hopgood	Murphy	Vagnozzi
Byrum	Kolb	Phillips	Waters
Clack	Law, Kathleen	Plakas	Whitmer
Condino	Leland	Polidori	Williams
Cushingberry	Lipsey	Sak	Zelenko
Donigan			

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

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

"Mr. Speaker and members of the House:

I voted no on HB 4816 which amends MCL 125.2688d of the 'Michigan Renaissance Zone Act' to define 'qualified tool and die business property' where the property is owned by one or more qualified tool and die businesses, primarily

for tool and die operations. The bill would define ‘qualified tool and die business property’ as that which is used primarily for tool and die business operations if the business that owns the property generates 51% or more of the gross revenue from tool and die operations that take place on qualified business property. If the property is leased and the business is liable for ad valorem property taxes, a ‘qualified tool and die business property’ would mean ‘used primarily for tool and die business operations if 51% or more of the gross revenues take place on the qualified tool and die business property.’

The bill retains language that would require a business to have less than 50 employees in order to meet qualification for recovery zone participation. However, the bill requires that those 50 employees be actually engaged in the tool and die work of the business entity. The fiscal impact is unclear. It has been determined by the MEDC, in consultation with the Department of Treasury, that the 51% threshold is simply too low. With a 51% threshold, the machinery necessary to apply for a zone could be primarily used for widgets, not T & D operations. The whole point of the Act is to help the T & D industry because it has experienced bad times.”

**House Bill No. 4817, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

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

**Roll Call No. 174**

**Yeas—110**

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

**Nays—0**

In The Chair: Elsenheimer

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

**House Bill No. 4818, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

**House Bill No. 4819, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 9 (MCL 125.2689).

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

**Roll Call No. 175****Yeas—110**

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

**Nays—0**

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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



The House returned to the consideration of  
**House Bill No. 4818, entitled**

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

(The bill was considered earlier today, see today’s Journal p. 790.)

The question being on the passage of the bill,

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

**Roll Call No. 176**

**Yeas—110**

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

**Nays—0**

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

**House Bill No. 4322, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 17766b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 177****Yeas—104**

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

**Nays—5**

Condino	Meyer	Smith, Alma	Zelenko
Drolet			

In The Chair: Elsenheimer

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

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

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766f.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. McConico, Anderson, Stewart, Phillips, Kooiman, Vander Veen, Taub, Stakoe, Gleason, Nofs, Steil, Moolenaar, Palsrok, Cheeks, Elsenheimer, Espinoza, Lemmons, III, Lemmons, Jr., McDowell, Sheltrown and Murphy were named co-sponsors of the bill.

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

The motion prevailed.

**Senate Bill No. 189, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 17766b. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 178****Yeas—107**

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

**Nays—2**

Drolet Meyer

In The Chair: Elsenheimer

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

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

A bill to amend 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 17766e.

The motion prevailed.

The House agreed to the title as amended.

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

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

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

By unanimous consent the House returned to the order of

### **Motions and Resolutions**

Reps. Lemmons, III, Lemmons, Jr., Accavitti, Adamini, Anderson, Ball, Cheeks, Clack, Condino, Farhat, Farrah, Garfield, Gillard, Hopgood, Huizenga, Jones, Kolb, Kathleen Law, Mayes, Meisner, Miller, Murphy, Palmer, Pearce, Sak, Sheltroun, Stahl, Tobocman, Vagnozzi, Waters, Zelenko, Brown, Leland, Schuitmaker, Alma Smith, McConico, Phillips, Byrum, LaJoy and Byrnes offered the following resolution:

#### **House Resolution No. 87.**

A resolution to extol and honor internationally acclaimed Motown Records and its founder Berry Gordy Jr.

Whereas, Berry Gordy Jr., a musical and entrepreneurial visionary, has forever affixed Detroit, Michigan as a permanent fixture in the history of music. Motown has become an icon in the socio-cultural fabric of the American life from the 1960s to the present; and

Whereas, Berry Gordy Jr. was born to Berry and Bertha Gordy, in Harper Hospital in Detroit, Michigan, on November 28, 1929; and

Whereas, In 1958, Berry Gordy wisely established a publishing company called, Jobete Music Co. Inc. to guard against predators in the music industry. In that same vein, Mr. Gordy founded two record labels in 1959, Tamla and Motown with an eight-hundred dollar loan from his family; and

Whereas, In 1959, Berry Gordy Jr. purchased a two-story house on West Grand Boulevard in Detroit. He transformed it into a first-rate recording studio. Hitsville, as it was called, served as the site of one of the most phenomenally prolific production facilities ever; and

Whereas, The list of stars who recorded at Hitsville have become household names, such as: Smokey Robinson and the Miracles, Mary Wells, Marvin Gaye, Diana Ross and the Supremes, The Temptations, Stevie Wonder, the Marvelettes, Martha Reeves and the Vandellas, the Contours, Holland-Dozier-Holland, The Four Tops, Jr. Walker and the All-Stars, Tammi Terrell, Nick Ashford and Valerie Simpson, and Gladys Knight and the Pips; and

Whereas, With the addition of other production facilities in Downtown Detroit and California, Motown still kept producing stars, such as: the Jackson 5, Lionel Richie and the Commodores, the DeBarge Family, Rick James, and the Spinners; and

Whereas, Motown's leadership in the African-American Filmmaking manifested in the movies. Lady Sings the Blues, Mahogany, the Wiz, Bingo Long and the Traveling All-Stars and Motor Kings, Scot Joplin, and the Last Dragon were all touched by Barry Gordy. Motown was also quite active in television production with two Emmy winning shows Motown Returns to the Apollo and Motown 25: Yesterday, Today, Forever. Other Motown televisions ventures included selected Movies-of-the-Week, The Motown Revue featuring Smokey Robinson, a weekly summer show and Motown on Showtime; and

Whereas, Motown pioneered in the field personal growth and development for it entourage of stars, as it instituted the Artistic Development Department, under Harvey Fuqua, which taught proper decorum, adherence to protocol, and the essentials of exuding class and style. The legendary Maxine Powell brought her finishing school expertise, Cholly Atkins provided world-class choreography and Maurice King supplied a professional regimen of musically aesthetic sensibilities with keen insights into band arrangements and harmonics; and

Whereas, Motown, founded by Berry Gordy Jr., originating from Detroit, was sold in 1988 for 61 million dollars and was subsequently sold for 325 million in 1993; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body honor and applaud the unprecedented achievements of Berry Gordy Jr. and Motown Records; and be it further

Resolved, That copies of this resolution be transmitted throughout Michigan and to members of the Gordy Family.  
Pending the reference of the resolution to a committee,  
Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.  
The motion prevailed, 3/5 of the members present voting therefor.  
The question being on the adoption of the resolution,  
The resolution was adopted.

### Reports of Standing Committees

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

**Senate Bill No. 302, entitled**

A bill to amend 1988 PA 112, entitled "The business opportunity act for persons with disabilities," by amending section 3 (MCL 450.793), as amended by 1998 PA 73.

Without amendment and with the recommendation that the bill pass.

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

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

**Senate Bill No. 303, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 261 (MCL 18.1261), as amended by 1993 PA 46.

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

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

Nays: None

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 7, 2005

Present: Reps. Garfield, Moore, Mortimer, Pavlov, Rocca, Espinoza, Sheltroun, Spade and Polidori

The Committee on Agriculture, by Rep. Nitz, Chair, reported

**Senate Bill No. 2, entitled**

A bill to amend 1982 PA 239, entitled "An act to license and regulate animal food manufacturing plants, transfer stations, dead animal dealers, rendering plants, and certain vehicles; to regulate the disposal of dead animals and to provide for poultry and livestock composting; to prescribe powers and duties of certain state departments; to impose fees; to provide for remedies and to prescribe penalties; and to repeal acts and parts of acts," by amending sections 3, 4, 15, 19, and 21 (MCL 287.653, 287.654, 287.665, 287.669, and 287.671), sections 3, 15, 19, and 21 as amended by 1998 PA 299 and section 4 as amended by 1993 PA 228.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nitz, Ball, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun  
Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

**House Resolution No. 79.**

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

(For text of resolution, see House Journal No. 48, p. 718.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nitz, Ball, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun  
Nays: None

The Committee on Agriculture, by Rep. Nitz, Chair, reported

**House Concurrent Resolution No. 15.**

A resolution to memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer.

(For text of concurrent resolution, see House Journal No. 46, p. 700.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Nitz, Ball, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun  
Nays: None

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 7, 2005

Present: Reps. Nitz, Ball, Casperson, Stahl, Proos, Hune, Mayes, Spade, Kathleen Law and Sheltroun

Absent: Rep. Newell

Excused: Rep. Newell

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**House Bill No. 4217, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 482 and 488 (MCL 168.482 and 168.488), section 482 as amended and section 488 as added by 1998 PA 142.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer and Gaffney

Nays: Reps. Meisner and Gillard

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**House Bill No. 4328, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**House Bill No. 4801, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 867 and 881 (MCL 168.867 and 168.881), section 867 as amended by 1980 PA 200 and section 881 as amended by 1995 PA 261.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Elsenheimer and Gaffney

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**Senate Bill No. 512, entitled**

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending sections 2, 3, 4, 11, 12, 15, 19, 20, 21, 23, and 24 (MCL 397.172, 397.173, 397.174, 397.181, 397.182, 397.185, 397.189, 397.190, 397.191, 397.193, and 397.194), sections 2 and 3 as amended by 2001 PA 64, section 11 as amended by 2002 PA 159, section 12 as amended by 2002 PA 540, and section 15 as amended by 1994 PA 114, and by adding section 3a.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported  
**Senate Bill No. 513, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 301, 302, 312, 370, 381, 498, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370 and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.  
The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**Senate Bill No. 514, entitled**

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

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**Senate Bill No. 515, entitled**

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 38, 58, and 152 (MCL 389.38, 389.58, and 389.152), as amended by 2003 PA 306.

Without amendment and with the recommendation that the bill pass.

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**Senate Bill No. 516, entitled**

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by adding section 24d.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**Senate Bill No. 517, entitled**

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 3b.

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

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



## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

The Committee on House Oversight, Elections, and Ethics, by Rep. Ward, Chair, reported

**Senate Bill No. 518, entitled**

A bill to amend 1895 PA 3, entitled "The general law village act," (MCL 61.1 to 74.25) by adding section 5a to chapter II.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

Nays: None

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair, of the Committee on House Oversight, Elections, and Ethics, was received and read:

Meeting held on: Wednesday, June 8, 2005

Present: Reps. Ward, Elsenheimer, Gaffney, Meisner and Gillard

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

**House Bill No. 4831, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2005 and September 30, 2006; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

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

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

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen and Kahn

Nays: Reps. Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Phillips and Gonzales

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 8, 2005

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

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, June 7, 2005

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

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 8, 2005

Present: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood, Miller, Angerer, Virgil Smith, Kehrl and Clack

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robertson, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Wednesday, June 8, 2005

Present: Reps. Robertson, Green, Huizenga, Hune, Palsrok, Hunter, Dillon, Clemente and Mayes

### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 8, 2005

Present: Reps. Wenke, Emmons, Palmer, Byrnes, Lipsey and Kehrl

Absent: Rep. Ward

Excused: Rep. Ward

### 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, June 8:

<b>House Bill Nos.</b>	<b>4869</b>	<b>4870</b>	<b>4871</b>	<b>4872</b>	<b>4873</b>	<b>4874</b>	<b>4875</b>	<b>4876</b>	<b>4877</b>	<b>4878</b>	<b>4879</b>	<b>4880</b>	<b>4881</b>	<b>4882</b>
	<b>4883</b>	<b>4884</b>	<b>4885</b>	<b>4886</b>	<b>4887</b>	<b>4888</b>	<b>4889</b>	<b>4890</b>	<b>4891</b>	<b>4892</b>	<b>4893</b>			
<b>Senate Bill Nos.</b>	<b>564</b>	<b>565</b>	<b>566</b>	<b>567</b>	<b>568</b>	<b>569</b>	<b>570</b>	<b>571</b>						

The Clerk announced that the following Senate bills had been received on Wednesday, June 8:

**Senate Bill Nos.**    **406**    **407**    **408**    **410**    **411**    **522**

By unanimous consent the House returned to the order of

### Messages from the Senate

#### House Bill No. 4551, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," (MCL 125.1501 to 125.1531) by adding section 13e.

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.

**Senate Bill No. 406, entitled**

A bill to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; 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 Appropriations.

**Senate Bill No. 407, entitled**

A bill to amend 1985 PA 227, entitled "Shared credit rating act," by amending the title and sections 3, 7, and 8 (MCL 141.1053, 141.1057, and 141.1058), the title and sections 3 and 7 as amended by 2000 PA 416 and section 8 as amended by 2003 PA 109, and by adding section 16c.

The Senate has passed the bill.

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

**Senate Bill No. 408, entitled**

A bill to amend 1961 PA 112, entitled "An act to authorize and provide for the issuance, sale, and refunding of bonds, notes, or commercial paper of the state; to provide funds for making loans to school districts for payment of principal and interest on certain school bonds; to provide for use of moneys repaid to the state by school districts; and to make an appropriation," by amending sections 2 and 4 (MCL 388.982 and 388.984), section 2 as amended by 2000 PA 245 and section 4 as amended by 1991 PA 64.

The Senate has passed the bill.

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

**Senate Bill No. 410, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 17a (MCL 388.1617a), as amended by 2002 PA 71.

The Senate has passed the bill.

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

**Senate Bill No. 411, 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 2004 PA 418.

The Senate has passed the bill.

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

**Senate Bill No. 522, 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 Senate has passed the bill.

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

**Messages from the Governor**

Date: June 7, 2005

Time: 1:53 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4008 (Public Act No. 34, I.E.), being**

An act 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, 2, 3, 4, and 5 (MCL 390.501, 390.502, 390.503, 390.504, and 390.505).

(Filed with the Secretary of State June 7, 2005, at 2:16 p.m.)

Date: June 7, 2005

Time: 1:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4528 (Public Act No. 35, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2004 PA 458.

(Filed with the Secretary of State June 7, 2005, at 2:18 p.m.)

Date: June 7, 2005

Time: 2:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4450 (Public Act No. 36, I.E.), being**

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 217 (MCL 257.217), as amended by 2002 PA 652.

(Filed with the Secretary of State June 7, 2005, at 2:58 p.m.)

Date: June 7, 2005

Time: 2:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4451 (Public Act No. 37, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural

resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 80320 (MCL 324.80320), as added by 1995 PA 58.

(Filed with the Secretary of State June 7, 2005, at 3:00 p.m.)

Date: June 7, 2005

Time: 2:04 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4452 (Public Act No. 38, I.E.), being**

An act to amend 1987 PA 96, entitled "An act to create a mobile home commission; to prescribe its powers and duties and those of local governments; to provide for a mobile home code and the licensure, regulation, construction, operation, and management of mobile home parks, the licensure and regulation of retail sales dealers, warranties of mobile homes, and service practices of dealers; to provide for the titling of mobile homes; to prescribe the powers and duties of certain agencies and departments; to provide remedies and penalties; to declare the act to be remedial; to repeal this act on a specific date; and to repeal certain acts and parts of acts," by amending section 30d (MCL 125.2330d).

(Filed with the Secretary of State June 7, 2005, at 3:02 p.m.)

Date: June 7, 2005

Time: 2:06 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4453 (Public Act No. 39, I.E.), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 81108 (MCL 324.81108), as added by 1995 PA 58.

(Filed with the Secretary of State June 7, 2005, at 3:04 p.m.)

Date: June 7, 2005

Time: 2:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4677 (Public Act No. 40, I.E.), being**

An act to amend 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 87.

(Filed with the Secretary of State June 7, 2005, at 3:06 p.m.)

The following message from the Governor was received June 7, 2005 and read:

**EXECUTIVE ORDER**

**No. 2005 – 13**

**DEPARTMENT OF AGRICULTURE**

**MICHIGAN FOOD POLICY COUNCIL**

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

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963 the Governor is responsible for the faithful execution of the laws;

WHEREAS, developing opportunities for small- to mid-scale family farmers to capture a greater percentage of Michigan food dollars will increase the viability of agriculture, preserve open space, and revitalize rural communities;

WHEREAS, if Michigan consumers spent an additional 10 percent of food dollars on Michigan-grown and Michigan-processed foods, economic activity in this state would grow by \$730 million, benefiting not just Michigan farmers, but our entire state;

WHEREAS, in 2001, only 76% of individuals eligible for food stamps in Michigan received them;

WHEREAS, increasing food stamp program participation closer to 100% would bring in between \$60-125 million of additional federal funds for the purchase of food from Michigan retailers;

WHEREAS, food policy councils established in other states have provided government officials and stakeholders with a forum to identify policies that harness the potential of the food system to foster economic development, provide children and those in need greater access to fresh and nutritious foods, and support stewardship of our finite land and water resources;

WHEREAS, food policy councils have demonstrated effectiveness in bringing together a broad array of food-related government and non-government constituencies to employ a food systems approach that facilitates policy evaluation and program development at every stage of the food process from seed to table;

WHEREAS, formation of a state food policy council will benefit Michigan farmers, including small- and mid-scale farmers, local food processors, manufacturers, distributors, and retailers;

WHEREAS, creation of a state food policy council will provide increased focus on the economic development opportunities of Michigan's food system along with improvements to agriculture production, community well-being, and public health;

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

#### **I. DEFINITIONS**

As used in this Order:

A. "Council" means the Michigan Food Policy Council established within the Department of Agriculture by this Order.

B. "Department" means the Department of Agriculture, the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1 and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

#### **II. CREATION OF THE MICHIGAN FOOD POLICY COUNCIL**

A. The Michigan Food Policy Council is created as an advisory body within the Department to assist the Department and the Governor in fostering a healthy and available food supply to all of Michigan's residents while enhancing the state's agricultural and natural resources, encouraging economic growth, expanding the viability of small- to mid-scale farms, and improving the health of our communities and Michigan residents.

B. The Council shall consist of 21 members.

C. The Council shall include the following ex officio members from within state government:

1. The Director of the Department of Agriculture or his or her designee from within the Department of Agriculture.

2. The Director of the Department of Community Health or his or her designee from within the Department of Community Health.

3. The Director of the Department of Environmental Quality or his or her designee from within the Department of Environmental Quality.

4. The Director of the Department of Human Services or his or her designee from within the Department of Human Services.

5. The Director of the Department of Labor and Economic Growth or his or her designee from within the Department of Labor and Economic Growth.

6. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

D. The following members appointed by the Governor:

1. Two individuals representing Michigan agricultural organizations.

2. Two individuals representing sustainable agriculture or sustainable agricultural development.

3. One individual representing institutions of higher education.

4. One individual representing K-12 schools.

5. One individual representing community-based urban development activities.

6. One individual representing rural development activities.

7. One individual representing anti-hunger organizations.

8. One individual representing public health organizations or persons with expertise in public health.

9. One individual representing food processors.

10. One individual representing food retailers.

11. One individual representing non-food manufacturers.

12. One individual representing restaurants.

13. One individual representing organized labor.

E. Members of the Council appointed by the Governor under Section II.D shall be appointed for terms of 2 years. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

F. The Director of the Department of Agriculture shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

### **III. GOALS AND RESPONSIBILITIES OF THE COUNCIL**

A. The goals of the Michigan Food Policy Council shall include all of the following:

1. Increasing economic activity in Michigan resulting in new and expanded businesses and jobs across all food-related sectors in this state.

2. Strengthening Michigan's urban and rural areas with food-related revitalization projects.

3. Increasing access to fresh and healthy Michigan-grown foods, including for school children, low-income families, at-risk seniors, and inner-city residents.

4. Promoting institutional and public purchase and consumption of Michigan-grown and Michigan-processed foods.

5. Enhancing the viability of small- to mid-scale family farms in Michigan by promoting direct farm marketing, sustainable agriculture, and agri-tourism, among other initiatives.

6. Preserving farmland as open space and amplifying the environmental benefits of agriculture by promoting sustainable agriculture practices in Michigan.

7. Identifying strategies to increase collaboration and communication between state agencies in the delivery of food-related programs and evaluation of collaborative opportunities.

8. Recommending approaches that maximize coordination of existing federal, state, and local resources and capture additional federal resources for Michigan.

9. Identifying or recommending programs or pilot programs that enhance access to Michigan-grown foods and Michigan-processed foods.

10. Identifying mechanisms by which Michigan may expand markets for Michigan agricultural products, including, but not limited to, niche markets such as "organically-produced," "pasture-raised," and "sustainably-grown" agricultural products.

11. Developing strategies aimed at enhancing connections between Michigan growers and Michigan food outlets.

12. Developing recommendations to the Department and the Governor not later than October 1, 2006 to encourage the creation of at least 1,000 new food-related jobs in Michigan.

B. The Council shall do all of the following:

1. Develop and adopt 6-month, 12-month, and a 24-month recommended action plan for achieving the goals of the Council.

2. Make recommendations to the Department on the adoption of policies to advance the goals for the Council set forth in this Order.

3. Recommend policies or activities intended to increase spending of food dollars on Michigan-grown and Michigan-processed foods by 10 percent.

4. Advise the Department regarding the "Select Michigan" program.

C. The efforts of the Council are intended to positively impact the entire state with a special emphasis on school children, low-income families, and individuals in both urban and rural areas.

### **IV. OPERATIONS OF THE COUNCIL**

A. The Council shall be staffed and assisted by personnel from the Department of Agriculture, as directed by the Director of the Department of Agriculture. The budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department of Agriculture.

B. The Council shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of its serving members.

D. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.

E. The Council may establish committees and request public participation on workgroups as the Council deems necessary. The Council may also adopt, reject, or modify any recommendations proposed by a committee or a workgroup.

F. The Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Council may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Council shall serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

H. The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Department of Management and Budget and the Civil Service Commission.

I. The Council may accept donations of labor, services, or other things of value from any public or private agency or person, including, but not limited to, support from Michigan State University, the Michigan Integrated Food and Farming System, the Food Bank Council of Michigan, and the W.K. Kellogg Foundation.

J. Members of the Council shall refer all legal, legislative, and media contacts to the Department.

#### V. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Council, or to any member or representative of the Council any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or investigation of the Council.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 7th day of June, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

#### Communications from State Officers

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

June 7, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of the Federal Cash Management Improvement Act Program,  
Department of Treasury  
June 2005

June 8, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
State-Funded Judicial Operations  
for the period October 1, 2002 through September 30, 2004

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

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

#### Introduction of Bills

Reps. Schuitmaker, Wenke, Jones and Proos introduced

##### House Bill No. 4894, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 8513 (MCL 324.8513), as added by 1995 PA 60.

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



Reps. Meyer and Schuitmaker introduced

**House Bill No. 4895, entitled**

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

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

Reps. Spade, Kehrl, Polidori, Sheltroun, Vagnozzi, Angerer, Wojno, Miller, Stahl, Bieda, Ball, Bennett and Mortimer introduced

**House Bill No. 4896, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 19.

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

Reps. Lemmons, III, Lemmons, Jr., Cushingberry, Zelenko, Gonzales and Donigan introduced

**House Bill No. 4897, entitled**

A bill to require certain disclosures by dealers of used vehicles; and to require repair or replacement of certain used vehicles.

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

Reps. Lemmons, III, Lemmons, Jr., Virgil Smith, Waters, Cushingberry, Tobocman and Leland introduced

**House Bill No. 4898, entitled**

A bill to amend 1999 PA 212, entitled "An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion," by amending section 2 (MCL 15.602).

The bill was read a first time by its title and referred to the Committee on Employment Relations, Training, and Safety.

Reps. Lemmons, Jr., Lemmons, III, Miller, Sheltroun, Cushingberry and Stahl introduced

**House Bill No. 4899, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 310d (MCL 257.310d), as amended by 2004 PA 62.

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

Reps. Meisner, Tobocman, Zelenko, Vagnozzi, Miller, Gonzales, Kathleen Law, Byrum, Plakas, Donigan, Hopgood, Condino, Farrah, Accavitti, Kolb, Byrnes, Waters, Alma Smith, Murphy, Whitmer, Adamini, Lemmons, III and McConico introduced

**House Bill No. 4900, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2685, 2687, 2688, 2692, and 16274 (MCL 333.2685, 333.2687, 333.2688, 333.2692, 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 Health Policy.

Reps. Meisner, Tobocman, Zelenko, Vagnozzi, Miller, Gonzales, Kathleen Law, Byrum, Plakas, Donigan, Hopgood, Condino, Farrah, Accavitti, Waters, Alma Smith, Murphy, Whitmer, Adamini, Lemmons, III and McConico introduced

**House Bill No. 4901, 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 Health Policy.

Reps. Meisner, Tobocman, Zelenko, Vagnozzi, Miller, Gonzales, Kathleen Law, Byrum, Plakas, Donigan, Hopgood, Condino, Farrah, Accavitti, Waters, Alma Smith, Murphy, Whitmer, Adamini, Lemmons, III and McConico introduced

**House Bill No. 4902, 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 Health Policy.

Reps. Dillon, Mayes, Sheltroun, Polidori, Adamini, McDowell, Brown, Gillard, Waters, Gleason, Kehrl, Clemente, Gaffney, Wojno, Stahl, Tobocman and Farrah introduced

**House Bill No. 4903, entitled**

A bill to establish a grant program to support sustained expansion of nursing school enrollment in this state; to provide for the administration of the grant program; and to prescribe certain powers and duties of certain state officers, agencies, and departments.

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

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Rep. Lemmons, Jr. moved that the House adjourn.  
The motion prevailed, the time being 3:45 p.m.

Associate Speaker Pro Tempore Elsenheimer declared the House adjourned until Thursday, June 9, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives