

No. 53
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House of Representatives
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REGULAR SESSION OF 2005

House Chamber, Lansing, Thursday, June 9, 2005.

10:30 a.m.

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

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

Accavitti—present	Emmons—present	Leland—present	Robertson—present
Acciavatti—present	Espinoza—present	Lemmons, III—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—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present
Elsenheimer—present	Law, Kathleen—present		

e/d/s = entered during session

Rep. Lamar Lemmons, III, from the 3rd District, offered the following invocation:

“O gracious Father, we ask for Your guidance as we come together today, to make policy and to appropriate the people’s funds. Please give us the insight and let us always remain cognizant that whatever we do to the least of these, we have also done to You. These and all other blessings we ask in Your name, Amen.”

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 8, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 9, 2005

Present: Reps. Casperson, Hildenbrand, Garfield, Nitz, Baxter, Rocca, McDowell, Sheltroun, Gillard and Espinoza

Absent: Rep. Stakoe

Excused: Rep. Stakoe

Messages from the Senate

House Bill No. 4447, entitled

A bill to amend 2004 PA 403, entitled “Michigan boxing regulatory act,” by amending sections 11, 31, 33, 34, 47, 48, and 54 (MCL 338.3611, 338.3631, 338.3633, 338.3634, 338.3647, 338.3648, and 338.3654).

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. 4774, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 20129a (MCL 324.20129a), as amended by 2004 PA 114.

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. 4560, entitled

A bill to amend 1945 PA 72, entitled “An act to prevent the importation from other states, and the spread within this state, of all serious insect pests and contagious plant diseases and to provide for their repression and control, imposing certain powers and duties on the commissioner of agriculture; to prescribe penalties for the violation of the provisions of this act; and to repeal certain acts and parts of acts,” by amending the title and section 9 (MCL 286.259) and by adding section 10.

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

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

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

House Bill No. 4562, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding sections 28 and 29.

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 1931 PA 189, entitled "An act to regulate the sale and distribution of nursery stock, plants, and plant products; to prevent the introduction into and the dissemination within this state of insect pests and plant diseases; to provide for the destruction and control of insect pests and plant diseases; to provide for the destruction of certain plants by owners of certain fruit trees; to provide for license and to provide for inspection; and imposing certain powers and duties on the director of agriculture; to provide for the promulgation of rules; and to prescribe penalties," (MCL 286.201 to 286.226) by amending the title, as amended by 1984 PA 88, and by adding section 28.

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

House Bill No. 4567, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12m of chapter XVII (MCL 777.12m), as amended by 2002 PA 421.

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.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, June 9, for her approval of the following bill:

Enrolled House Bill No. 4774 at 2:35 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, June 9:

House Bill Nos.	4894	4895	4896	4897	4898	4899	4900	4901	4902	4903
Senate Bill Nos.	572	573	574	575	576	577	578			

The Clerk announced that the following Senate bills and joint resolution had been received on Thursday, June 9:

Senate Bill Nos.	211	212	213	214	215	216	217	335	380	446	447	482	507	533
	551													

Senate Joint Resolution C

By unanimous consent the House returned to the order of

Messages from the Senate**Senate Bill No. 211, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41301 (MCL 324.41301), as added by 2003 PA 270.

The Senate has passed the bill.

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

Senate Bill No. 212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41303 (MCL 324.41303), as added by 2003 PA 270.

The Senate has passed the bill.

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

Senate Bill No. 213, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41305 (MCL 324.41305), as added by 2003 PA 270, and by adding section 41306.

The Senate has passed the bill.

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

Senate Bill No. 214, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 41309 (MCL 324.41309), as added by 2003 PA 270.

The Senate has passed the bill.

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

Senate Bill No. 215, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 41311 and 41313.

The Senate has passed the bill.

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

Senate Bill No. 216, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41321; 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 Natural Resources, Great Lakes, Land Use, and Environment.

Senate Bill No. 217, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 41323; 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 Natural Resources, Great Lakes, Land Use, and Environment.

Senate Bill No. 335, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 17a.

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. 380, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17820 and 17822 (MCL 333.17820 and 333.17822), section 17820 as amended and section 17822 as added by 1987 PA 213.

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. 446, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 224b (MCL 500.224b), as amended by 2002 PA 621.

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. 447, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109f (MCL 400.109f), as added by 2000 PA 410.

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. 482, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 13 (MCL 125.2663), as amended by 2003 PA 259.

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. 507, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13e of chapter XVII (MCL 777.13e), as amended by 2003 PA 269.

The Senate has passed the bill.

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

Senate Bill No. 551, entitled

A bill to amend 2004 PA 591, entitled "An act to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunications services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295; and to repeal act and parts of acts," by repealing enacting section 1.

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.

Introduction of Bills

Reps. Hildenbrand, Hune, Gaffney, Stahl, Sheen, Marleau, Mortimer, Emmons, Robertson and Vander Veen introduced

House Bill No. 4904, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3109a (MCL 500.3109a).

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

Rep. Condino introduced

House Bill No. 4905, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4r (MCL 205.54r), as amended by 2004 PA 173.

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

Rep. Condino introduced

House Bill No. 4906, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2002 PA 669.

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

Rep. Condino introduced

House Bill No. 4907, entitled

A bill to amend 2004 PA 175, entitled "Streamlined sales and use tax revenue equalization act," (MCL 205.171 to 205.191) by adding section 10.

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

Reps. Bieda, Ball, Gleason, Hune, Nofs, Meisner, Espinoza, McDowell, Hopgood and Donigan introduced
House Bill No. 4908, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

Reps. Miller and Meisner introduced

House Bill No. 4909, entitled

A bill to amend 1929 PA 48, entitled "An act levying a specific tax to be known as the severance tax upon all producers engaged in the business of severing oil and gas from the soil; prescribing the method of collecting the tax; requiring all producers of such products or purchasers thereof to make reports; to provide penalties; to provide exemptions and refunds; to prescribe the disposition of the funds so collected; and to exempt those paying such specific tax from certain other taxes," by amending section 3 (MCL 205.303), as amended by 1996 PA 135.

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

Rep. Farrah introduced

House Bill No. 4910, entitled

A bill to amend 1905 PA 282, entitled "An act to provide for the assessment of the property, by whomsoever owned, operated or conducted, of railroad companies, union station and depot companies, telegraph companies, telephone companies, sleeping car companies, express companies, car loaning companies, stock car companies, refrigerator car companies, and fast freight companies, and all other companies owning, leasing, running or operating any freight, stock, refrigerator, or any other cars, not being exclusively the property of any railroad company paying taxes upon its rolling stock under the provisions of this act, over or upon the line or lines of any railroad or railroads in this state, and for the levy of taxes thereon by a state board of assessors, and for the collection of such taxes, and to repeal all acts or parts of acts contravening any of the provisions of this act," by amending sections 13 and 13a (MCL 207.13 and 207.13a), section 13 as amended by 2001 PA 35 and section 13a as added by 2000 PA 341.

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

Rep. Zelenko introduced

House Bill No. 4911, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4 (MCL 205.94), as amended by 2004 PA 172.

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

Rep. Meisner introduced

House Bill No. 4912, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4g (MCL 205.54g), as amended by 2004 PA 173.

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

Rep. Meisner introduced

House Bill No. 4913, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4d (MCL 205.94d), as amended by 2004 PA 172.

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

Rep. Meisner introduced

House Bill No. 4914, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140; and to repeal acts and parts of acts.

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

Reps. Jones, Schuitmaker, Hildenbrand, David Law, Garfield, Vander Veen, Murphy, Waters, Nofs, Ball, Mortimer, Stewart, Hansen, Miller, Accavitti, Gonzales, Polidori and Farhat introduced

House Bill No. 4915, entitled

A bill to amend 1974 PA 198, entitled “An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties,” by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

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

Reps. Kooiman, Gosselin, Marleau, Vander Veen, Stewart, Tobocman, Hunter, Mayes, Clemente, Leland, Accavitti, Farrah, Kolb, Gaffney, Amos, Green, Moolenaar, Walker, Nofs, Pastor, Garfield, Robertson, Sak, Hildenbrand, Palsrok and Farhat introduced

House Bill No. 4916, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

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

Reps. Tobocman, Kooiman, Gosselin, Marleau, Vander Veen, Stewart, Hunter, Mayes, Clemente, Leland, Accavitti, Farrah, Kolb, Gaffney, Amos, Green, Moolenaar, Walker, Nofs, Pastor, Garfield, Robertson, Sak, Hildenbrand, Palsrok and Farhat introduced

House Bill No. 4917, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

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

Quorum Call

Rep. Ward questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 179

Yeas—97

Accavitti	Farhat	Lemmons, Jr.	Sak
Acciavatti	Garfield	Lipsey	Schuitmaker
Adamini	Gillard	Marleau	Shaffer
Amos	Gleason	Mayes	Sheen
Anderson	Gonzales	McDowell	Sheltrown
Angerer	Gosselin	Meisner	Smith, Alma
Ball	Green	Meyer	Smith, Virgil
Baxter	Hansen	Miller	Spade
Bennett	Hildenbrand	Moolenaar	Stahl
Bieda	Hoogendyk	Moore	Stakoe
Booher	Hopgood	Newell	Steil
Brown	Huizenga	Nitz	Stewart
Byrnes	Hummel	Nofs	Taub
Casperson	Hunter	Palmer	Vagnozzi
Caswell	Jones	Palsrok	Van Regenmorter
Caul	Kahn	Pastor	Vander Veen
Clack	Kehrl	Pavlov	Walker

Clemente	Kolb	Pearce	Ward
Condino	Kooiman	Phillips	Waters
Dillon	LaJoy	Plakas	Wenke
Donigan	Law, David	Polidori	Whitmer
Drolet	Law, Kathleen	Proos	Williams
Elsenheimer	Leland	Robertson	Wojno
Emmons	Lemmons, III	Rocca	Zelenko
Espinoza			

In The Chair: Kooiman

Rep. Sak moved that Rep. Lipsey be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 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 third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 180

Yeas—109

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	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			

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

Roll Call No. 181**Yeas—109**

Accavitti	Espinoza	Leland	Robertson
Acciavatti	Farhat	Lemmons, III	Rocca
Adamini	Farrah	Lemmons, Jr.	Sak
Amos	Gaffney	Lipsey	Schuitmaker
Anderson	Garfield	Marleau	Shaffer
Angerer	Gillard	Mayes	Sheen
Ball	Gleason	McConico	Sheltrown
Baxter	Gonzales	McDowell	Smith, Alma
Bennett	Gosselin	Meisner	Smith, Virgil
Bieda	Green	Meyer	Spade
Booher	Hansen	Miller	Stahl
Brandenburg	Hildenbrand	Moolenaar	Stakoe

Brown	Hood	Moore	Steil
Byrnes	Hoogendyk	Mortimer	Stewart
Casperson	Hopgood	Murphy	Taub
Caswell	Huizenga	Newell	Tobocman
Caul	Hummel	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kehrl	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons			

Nays—1

Byrum

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. 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.

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

Roll Call No. 182

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: 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. 4826, entitled

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

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

Roll Call No. 183**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
Elsenheimer

Law, David
Law, Kathleen

Proos

Zelenko

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.

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

House Bill No. 4613, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 2000 PA 80.

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

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

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.

The bill was read a second time.
Rep. Ward moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.
Rep. Ward moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

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

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.

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

Roll Call No. 184

Yeas—110

Accavitti
Acciavatti
Adamini
Amos
Anderson

Emmons
Espinoza
Farhat
Farrah
Gaffney

Leland
Lemmons, III
Lemmons, Jr.
Lipsev
Marleau

Robertson
Rocca
Sak
Schuitmaker
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: Kooiman

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

“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,”

The House agreed to the full title.

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

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

Second Reading of Bills

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.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

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.

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

Roll Call No. 185

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: Kooiman

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

"An act to revise and consolidate the laws relating to community colleges; to provide for the creation of community college districts; to provide a charter for such districts; to provide for the government, control and administration of such districts; to provide for the election of a board of trustees; to define the powers and duties of the board of trustees; to provide for the assessment, levy, collection and return of taxes therefor; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

The House agreed to the full title.

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

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

Second Reading of Bills

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.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

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.

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

Roll Call No. 186

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

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

“An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,”

The House agreed to the full title.

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

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

Second Reading of Bills

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.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

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.

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

Roll Call No. 187

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	Mayer	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
Elsenheimer

Law, David
Law, Kathleen

Proos

Zelenko

Nays—0

In The Chair: Kooiman

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

“An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates,”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 4108, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 2975 and 2976.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4108, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 2975 and 2976.

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.

Second Reading of Bills

House Bill No. 4821, entitled

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 2002 PA 600.

The bill was read a second time.

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

The motion prevailed.

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

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

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

House Bill No. 4821, entitled

A bill to amend 1967 PA 270, entitled “An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data,” by amending section 1 (MCL 331.531), as amended by 2002 PA 600.

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

Roll Call No. 188

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	Mayer	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: 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 House returned to the consideration of

House Bill No. 4108, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding sections 2975 and 2976.

(The bill was considered earlier today, see today’s Journal p. 825.)

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. 189**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: Kooiman

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

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

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

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, Plakas, Anderson, Stewart, Phillips, Kolb, Lipsey, Kooiman, Meyer, Newell, Vander Veen, Williams, Brown, Hunter, Tobocman, Farrah, Brandenburg, Wojno, Acciavatti, Clack, Condino, Taub, Accavitti, Amos, Gleason, Nofs, Ward, Byrum, Nitz, Stahl, Huizenga, Farhat, Moolenaar, Palsrok, Gillard, Casperson, Dillon, Angerer, Ball, Baxter, Booher, Byrnes, Caul, Cheeks, Clemente, Cushingberry, Elsenheimer, Espinoza, Gonzales, Green, Hansen, Hildenbrand, Jones, Kahn, Kehrl, Lemmons, III, Lemmons, Jr., McDowell, Moore, Polidori, Proos, Rocca, Sheltrown, Spade and Murphy were named co-sponsors of the bill.

Second Reading of Bills**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.

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

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

Rep. Elsenheimer moved to amend the bill as follows:

1. Amend page 1, line 3, after “MAY” by striking out “**PROVIDE BY ORDINANCE**” and inserting “**PASS A RESOLUTION TO PROVIDE**”.

2. Amend page 1, line 10, after “MAY” by striking out “**PROVIDE BY ORDINANCE**” and inserting “**PASS A RESOLUTION TO PROVIDE**”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

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.

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

Roll Call No. 190

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

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

“An act to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies.”

The House agreed to the full title.

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

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

Second Reading of Bills

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.

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

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

Rep. Caswell moved to amend the bill as follows:

1. Amend page 78, line 5, by striking out all of subsection (4).

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

Rep. Caswell moved to amend the bill as follows:

1. Amend page 61, line 18, after “Chronic disease prevention—1.0 FTE position” by decreasing the amount by “50,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Baxter moved to amend the bill as follows:

1. Amend page 403, line 17, by striking out “4,000,000” and inserting “4,500,000” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. David Law moved to amend the bill as follows:

1. Amend page 54, line 19, by striking out “3,263,800” and inserting “3,563,800”.
2. Amend page 55, line 5, by striking out “2,202,626,200” and inserting “2,202,926,200”.
3. Amend page 55, line 12, by striking out “1,048,641,900” and inserting “1,048,941,900”.
4. Amend page 395, following line 2, by inserting:

“Sec. 409. It is the intent of the legislature that local governments and nonprofit organizations combine their efforts to leverage available funding from the federal government and the state of Michigan for the purpose of supporting the Holocaust memorial center in the state of Michigan.” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Amos moved to amend the bill as follows:

1. Amend page 504, following line 9, by inserting:

“Technology tri-corridor: life sciences initiative 100”.

2. Amend page 504, line 21, by striking out “26,932,300” and inserting “26,932,400” and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 546, following line 14, by inserting:

“Sec. 510a. (1) From the funds appropriated in part 1 for the technology tri-corridor: life sciences initiative, \$100.00 is appropriated for the life sciences initiative. All funding for the areas of homeland security and automotive initiative shall be funded from the Indian casino revenue or other federal sources. The program shall be administered by the Michigan economic development corporation.

(2) A technology tri-corridor steering committee, appointed by the governor, shall consist of 19 members including the CEO, the director, the state treasurer, a member from Michigan State University, the University of Michigan, Wayne State University, Western Michigan University, and the Van Andel Institute, 2 members representing the legislature, 1 of whom is chosen by the speaker of the house of representatives and 1 of whom is chosen by the majority leader of the senate, and 2 members actively engaged in each of the 3 targeted business sectors. The remaining members shall be appointed at large and may include members from the private sector, public sector, or other Michigan universities. Committee members are authorized to designate alternate members. The purpose of the steering committee is to provide advice and oversight of the initiative, including the development of criteria for the awards to qualifying universities, institutions, companies, or individuals. The steering committee will make decisions regarding distribution of these funds.

(3) Of the funds appropriated, \$100.00 shall be allocated to a private research institute that has received a specific federal appropriation prior to 2005 for the creation of a good manufacturing practice facility. The facility shall be used for the production of drugs approved for use in clinical trials, as approved by the United States Food and Drug Administration and shall work to market the core technology alliance for the purposes of commercialization and providing access to advanced technologies to researchers affiliated with universities, private research institutes, and biotech or pharmaceutical firms. It is the intent of the legislature that \$100.00 shall be made available for these purposes in fiscal years 2006 and 2007.

(4) Of the funds appropriated, up to \$100.00 may be used for administering the life sciences initiative including the monitoring of previous years' awards. Not more than \$100.00 shall be used to support a competitive business commercial development fund to support business commercialization research opportunities in Michigan. Applications from organizations specializing in business commercialization research and exporting headquartered in Oakland County shall be considered independently. In allocating funding to the business commercial development fund, the steering committee shall give maximum priority to supporting all potential commercialization opportunities that appear to have merit. Of the remaining funds appropriated for the life sciences initiative, 55% are allocated for a basic research fund, to be distributed on a competitive basis to Michigan universities or Michigan nonprofit research institutes, or both, for basic research in health-related areas. In addition, 45% of the remaining appropriated funds for the life sciences initiative are earmarked for a collaborative research fund to support peer-reviewed collaborative grants among Michigan universities and/or private research facilities, with emphasis on research testing or developing emerging discoveries.

(5) Repayment of any funds received as a result of awards made under 1999 PA 120, 2000 PA 292, 2001 PA 80, 2002 PA 517, 2003 PA 169, or this act including, but not limited to, funds received as interest or return on investment shall be deposited in the business commercial development fund. These funds are authorized for expenditure upon receipt and shall not lapse to the general fund.

(6) The records of the steering committee involving a proposal submitted by an eligible entity that are of a scientific, technical, or proprietary nature, the release of which could cause competitive harm to the eligible entity as determined by the steering committee, are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.”

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

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 491, line 12, by striking out “4,743,200” and inserting “100,000”.
2. Amend page 491, line 13, by striking out “1,128,100” and inserting “5,771,300”.
3. Amend page 492, line 5, by striking out “20,796,200” and inserting “20,940,400”.
4. Amend page 492, line 7, by striking out “14,508,600” and inserting “14,364,400”.
5. Amend page 493, line 19, by striking out “14,299,700” and inserting “5,699,300”.
6. Amend page 493, line 20, by striking out “70,600” and inserting “8,671,000”.
7. Amend page 494, following line 14, by inserting:
“Corporation fees 323,400”.
8. Amend page 494, line 17, by striking out “323,400” and inserting “0”.
9. Amend page 497, line 6, by striking out “81,423,300” and inserting “81,443,100”.
10. Amend page 497, line 7, by striking out “1,519,800” and inserting “1,500,000”.
11. Amend page 497, line 23, by striking out “3,842,500” and inserting “3,842,600”.
12. Amend page 497, line 24, by striking out “1,111,300” and inserting “1,111,200”.
13. Amend page 498, line 21, by striking out “3,522,600” and inserting “0”.
14. Amend page 498, line 22, by striking out “818,000” and inserting “4,340,600”.
15. Amend page 499, line 18, by striking out “2,899,100” and inserting “58,200”.
16. Amend page 499, line 21, by striking out “47,335,400” and inserting “50,176,300”.

17. Amend page 502, line 20, by striking out “7,421,000” and inserting “3,710,500”.
18. Amend page 502, line 21, by striking out “2,289,500” and inserting “6,000,000”.
19. Amend page 518, line 9, by striking out all of section 347 and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 683, following line 2, by inserting:

“Sec. 501. As used in this act:

- (a) “Effective government” means government is effective, efficient, and accountable.
- (b) “Health” means people are healthy.
- (c) “Kids succeeding” means kids are succeeding in school.
- (d) “Mobility” means people and goods move around the state quickly and efficiently.
- (e) “Prepared for jobs” means people are prepared for jobs and the new economy.
- (f) “Resource conservation” means our natural resources are conserved and protected.
- (g) “Safety” means people are safe where they live, work, and play.
- (h) “Thriving economy” means the economy is thriving and people are working.
- (i) “Vulnerable” means the most vulnerable live free from harm and as self-sufficiently as possible.”.

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 14, line 11, by striking out all of section 210.
2. Amend page 33, line 2, by striking out all of section 210.
3. Amend page 72, line 20, by striking out all of section 206.
4. Amend page 163, line 20, by striking out all of section 210.
5. Amend page 204, line 3, by striking out all of section 206.
6. Amend page 211, line 15, by striking out all of section 218.
7. Amend page 385, line 20, by striking out all of section 210.
8. Amend page 412, line 9, by striking out all of section 210.
9. Amend page 509, line 14, by striking out all of section 210.
10. Amend page 559, line 6, by striking out all of section 210.
11. Amend page 616, line 24, by striking out all of section 210.
12. Amend page 645, line 18, by striking out all of section 210.

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

Rep. Emmons moved to amend the bill as follows:

1. Amend page 194, following line 14, by inserting:

“Sec. 1013. From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution. If a sufficient number of correctional officers is not available to ensure the safety and security of the institution, optional prisoner activities shall be temporarily postponed or cancelled as necessary until sufficient staffing is achieved to supervise the optional prisoner activity.”.

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

Rep. Ward moved to amend the bill as follows:

1. Amend page 599, following line 1, by inserting:

“Sec. 708. The island lake recreation area shooting range shall not be expanded unless the department first completes remediation efforts necessary to conform with the requirements of the Green Oak Township ordinance, and until the existing lawsuit brought by Green Oak Township against the Michigan department of natural resources, case #04-20782-CZ, is resolved.”.

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

Rep. Elsenheimer moved to amend the bill as follows:

1. Amend page 600, line 3, after “shall” by inserting a comma and “consistent with the forest certification process,”.
2. Amend page 600, line 3, after “acres” by striking out the comma and “plus or minus 10%,”.
3. Amend page 600, line 5, after “acre,” by inserting “and put those cords up for sale in 2006,”.
4. Amend page 600, line 9, after “by” by striking out “20%” and inserting “10%”.

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

Reps. Caul and Palsrok moved to amend the bill as follows:

1. Amend page 351, line 10, by striking out all of sections 102 through 116 on page 355 and inserting:

“Sec. 102. CENTRAL MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	81,686,900
GROSS APPROPRIATION.....	\$	<u>81,686,900</u>

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		538,440
State general fund/general purpose	\$	81,148,460

Sec. 103. EASTERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	76,487,100
GROSS APPROPRIATION.....	\$	<u>76,487,100</u>

Appropriated from:

State general fund/general purpose	\$	76,487,100
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Sec. 104. FERRIS STATE UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	50,411,400
GROSS APPROPRIATION.....	\$	<u>50,411,400</u>

Appropriated from:

State general fund/general purpose	\$	50,411,400
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Sec. 105. GRAND VALLEY STATE UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	59,646,400
GROSS APPROPRIATION.....	\$	<u>59,646,400</u>

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		5,000,000
State general fund/general purpose	\$	54,646,400

Sec. 106. LAKE SUPERIOR STATE UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	12,610,900
GROSS APPROPRIATION.....	\$	<u>12,610,900</u>

Appropriated from:

State general fund/general purpose	\$	12,610,900
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Sec. 107. MICHIGAN STATE UNIVERSITY (PREPARED FOR JOBS, THRIVING

ECONOMY)

Operations.....	\$	286,855,600
Agricultural experiment station.....		33,163,800
Cooperative extension service.....		28,604,300
GROSS APPROPRIATION.....	\$	<u>348,623,700</u>

Appropriated from:

State general fund/general purpose	\$	348,623,700
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Sec. 108. MICHIGAN TECHNOLOGICAL UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	47,976,400
GROSS APPROPRIATION.....	\$	<u>47,976,400</u>

Appropriated from:

State general fund/general purpose	\$	47,976,400
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Sec. 109. NORTHERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	42,643,000
GROSS APPROPRIATION.....	\$	<u>42,643,000</u>

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		961,300
State general fund/general purpose	\$	41,681,700

Sec. 110. OAKLAND UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	49,429,800
GROSS APPROPRIATION.....	\$	<u>49,429,800</u>

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		1,941,768
State general fund/general purpose	\$	47,488,032

Sec. 111. SAGINAW VALLEY STATE UNIVERSITY (PREPARED FOR JOBS)

Operations.....	\$	26,892,200
GROSS APPROPRIATION.....	\$	<u>26,892,200</u>

Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	2,019,792
State general fund/general purpose	\$ 24,872,408
Sec. 112. UNIVERSITY OF MICHIGAN - ANN ARBOR (PREPARED FOR JOBS)	
Operations.....	\$ 316,032,100
GROSS APPROPRIATION.....	\$ 316,032,100
Appropriated from:	
State general fund/general purpose	\$ 316,032,100
Sec. 113. UNIVERSITY OF MICHIGAN - DEARBORN (PREPARED FOR JOBS)	
Operations.....	\$ 25,388,500
GROSS APPROPRIATION.....	\$ 25,388,500
Appropriated from:	
State general fund/general purpose	\$ 25,388,500
Sec. 114. UNIVERSITY OF MICHIGAN - FLINT (PREPARED FOR JOBS)	
Operations.....	\$ 21,032,300
GROSS APPROPRIATION.....	\$ 21,032,300
Appropriated from:	
State general fund/general purpose	\$ 21,032,300
Sec. 115. WAYNE STATE UNIVERSITY (PREPARED FOR JOBS)	
Operations.....	\$ 203,313,200
GROSS APPROPRIATION.....	\$ 203,313,200
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	2,038,700
State general fund/general purpose	\$ 201,274,500
Sec. 116. WESTERN MICHIGAN UNIVERSITY (PREPARED FOR JOBS)	
Operations.....	\$ 111,999,100
GROSS APPROPRIATION.....	\$ 111,999,100
Appropriated from:	
State general fund/general purpose	\$ 111,999,100”

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 371, following line 22, by inserting:

“Sec. 461. From the amount appropriated in part 1 to Lake Superior State University for operations, \$100,000.00 shall be paid to Bay Mills Community College for the costs of waiving tuition for North American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.”.

3. Amend page 683, line 2, by striking out all of section 101.

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

Reps. Hansen and Booher moved to amend the bill as follows:

1. Amend page 173, following line 20, by inserting:

“Sec. 508. (1) It is the intent of the legislature that the department renegotiate both the management contract and the lease for the Michigan youth correctional facility with the GEO corporation, with the aim of identifying and achieving savings to be reflected in contract and lease revisions, including savings pertaining to changes in security level.

(2) By November 1, 2005, the department shall provide a detailed report to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director on the feasibility of changing the operational security level of the Michigan youth correctional facility. At a minimum, the report shall identify the contractual and statutory changes necessary to operate the facility at security levels other than level V, and on the savings that could be achieved through operating all or part of the facility at 1 or more security levels other than level V.”.

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

Rep. Brandenburg moved to amend the bill as follows:

1. Amend page 495, line 16, by striking out “2,167,300” and inserting “524,500”.
2. Amend page 495, line 26, by striking out “0” and inserting “1,642,800”.
3. Amend page 500, line 17, by striking out “2,558,200” and inserting “1,906,300”.
4. Amend page 500, line 26, by striking out “1,468,700” and inserting “816,800”.
5. Amend page 503, line 5, by striking out “3,202,600” and inserting “2,211,700”.
6. Amend page 503, line 27, by striking out “5,741,400” and inserting “4,750,500”.

7. Amend page 514, line 5, by striking out all of section 310 and inserting:

“Sec. 310. Money appropriated under this act for fire safety programs shall not be expended unless, in accordance with section 2c of the fire prevention code, 1941 PA 207, MCL 29.2c, inspection and plan review fees will be charged according to the following schedule:

	<u>Operation and maintenance inspection fee</u>	
<u>Facility type</u>	<u>Facility size</u>	<u>Fee</u>
Hospitals	Any	\$8.00 per bed
<u>Plan review and construction inspection fees for hospitals and schools</u>		
<u>Project cost range</u>		<u>Fee</u>
\$101,000.00 or less		minimum fee of \$155.00
\$101,001.00 to \$1,500,000.00		\$1.60 per \$1,000.00
\$1,500,001.00 to \$10,000,000.00		\$1.30 per \$1,000.00
\$10,000,001.00 or more		\$1.10 per \$1,000.00
		or a maximum fee of \$60,000.00.”

and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Walker moved to amend the bill as follows:

1. Amend page 581, line 19, by striking out “117.0 FTE positions” and inserting “121.0 FTE positions”.
2. Amend page 581, line 19, by striking out “15,388,800” and inserting “15,738,800”.
3. Amend page 582, line 13, by striking out “26,983,200” and inserting “27,333,200” and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Walker moved to amend the bill as follows:

1. Amend page 598, line 19, after “the” by striking out “operating costs of Great Lakes” and inserting “maintenance, construction, or operation of revenue producing harbor facilities or non-revenue-producing harbor facilities at”.
2. Amend page 598, line 20, after “parks” by striking out “providing watercraft recreation and Michigan’s Great Lakes maritime interpretive opportunities” and inserting “on a lake or other body of water for improving access to or utilization of Michigan’s waterways”.

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

Reps. Farhat and Marleau moved to amend the bill as follows:

1. Amend page 194, line 10, after “section.” by inserting “The first \$1,050,000.00 of the revenue of the surcharges imposed under this section is appropriated for at-post troopers funded under section 112 of article 16 of this act.”.
2. Amend page 194, line 11, after the first “the” by striking out “total” and inserting “remainder”.
3. Amend page 610, line 4, by striking out “121,232,500” and inserting “122,282,500” and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 610, following line 17, by inserting:

“Resident stores surcharges1,050,000.00”

and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 610, line 18, by striking out “120,586,300” and inserting “119,536,300” and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 629, following line 6, by inserting:

“Sec. 902. Of the funds appropriated in part 1 for uniform services, funds shall be used for the necessary costs to maintain the operations of the state police posts in Groveland, Grand Haven, and Iron River.”.

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

Rep. Farhat moved to amend the bill as follows:

1. Amend page 231, following line 14, by inserting:
“Little Black Creek 100”.
2. Amend page 231, following line 14, by inserting:
“White lake nutrient study 100”.
3. Amend page 232, line 1, by striking out “1,989,000” and inserting “1,989,200” and adjusting the subtotals, totals, and section 201 accordingly.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 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.

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

Roll Call No. 191

Yeas—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

Nays—52

Accavitti	Cushingberry	Law, Kathleen	Polidori
Adamini	Dillon	Leland	Sak
Anderson	Donigan	Lemmons, III	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko

In The Chair: Kooiman

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

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

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

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. Hunter, Kathleen Law, Waters, Zelenko, Vagnozzi, Kehrl and Murphy, 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 this bill because it fails to protect seniors and children and because it fails to promote job growth and puts Amtrak at risk. This is an irresponsible bill that prioritizes tax credits for corporations over our most vulnerable citizens.

This bill cuts the Home and Community Based Waiver (HCBW) program and will result in fewer seniors having the choice to stay in their own home. By cutting funding for the community agencies that works to help seniors stay in their homes we are pushing seniors into nursing homes. It also cuts funding for inspectors of adult foster care homes. Just last week, the State’s Attorney General reported shocking statistics on the number of seniors who are abused by care-takers. Cutting the inspectors who detect and stop this abuse is unconscionable.

I voted no on this bill because it fails to recognize the importance of early childhood programming. Coordination of efforts for our youngest of children is critical. Not only does this bill ignore the importance of healthy environments for young children, it imposes a \$5 tax increase per month on low-income families participating in the state’s MI Child health insurance program. Other states’ experiences have shown that this results in one-third to one-half of eligible recipients losing health insurance.

A Families USA study, released just yesterday, demonstrates that as states impose tax increases like this one the number of uninsured rises. Ultimately, the increased cost of caring for the uninsured is paid for by residents who do have health insurance coverage. This not only increases the cost of health care insurance for every citizen in Michigan, but increases the cost of doing business in Michigan. At the current uninsured level, Michigan’s businesses pay \$274 more per individual they insure, and \$730 more for each family, to absorb the health care costs of the uninsured. This bill continues to shift the cost of health care coverage to Michigan’s working families.

I voted no on this bill because it fails to create new jobs. This bill eliminates over \$200 million in new funding for job creation. It also cuts \$7.5 million to existing job creation programs from the Michigan Economic Development Corporations. These are jobs that are desperately needed in my community. As Michigan’s economy continues to struggle, Republicans are slashing funds for badly needed jobs.

Finally, I voted no because this bill cuts funding to Amtrak. This will likely result in the elimination of both the Blue Water (Port Huron to Chicago) and the Pere Marquette (Grand Rapids to Chicago) rail lines. Amtrak is an important economic engine in the state employing 133 Michigan residents and contracting for \$2.8 million in goods and services. Elimination of these lines will harm all of the communities the line passes through.

I refuse to vote for a state budget that places our most vulnerable residents: seniors and children at risk while at the same time failing to create desperately need jobs in this state.”

Rep. Meisner, 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:

It is a sad day in our state when the majority party puts corporate greed ahead of children in need by passing a budget that keeps millions in special interest tax breaks in place while making horrible cuts that will hurt kids, seniors and our ability to create much-needed jobs.

I look forward to the day when the scandal that is Michigan’s corporate pork budget is exposed and the people of Michigan learn the choices their elected officials have made.”

Rep. Clemente, 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 this bill because it falls short of the standards that are needed to save jobs and protect seniors and children. These are tough economic times and additional negotiations are needed to balance the state’s fiscal responsibility with the responsibility of serving the citizens of Michigan.”

Rep. Sheltroun, 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:

This budget bill was received only yesterday for consideration. Although this budget bill had a number of good points. MCOLES funding, 175 increase in the foundation grant (although that was the only part of the school bill addressed in this budget) Fire Marshall Funding, School Bus Inspection, it hurt badly the most vulnerable of those in my district. It hurts those on Medicaid, those who haven’t been able to find jobs (as you might know, the 103rd District currently has about 13 % unemployment. It also drastically cuts MEDC which would profoundly affect a proposal for Oscoda which would have helped create 300 new jobs at approximately 18.00 per hour. We should not cut MEDC when we are losing so many jobs in this state and in my district. In the end, this omnibus bill, 700 pages plus long, is a procedure that has not been used in the budget process. To make matters worse, we don’t know how the Senate will be able to adjust it’s budget to this. This process is far from over, and this budget will look different as the Senate starts their process.”

Rep. Byrum, 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 this bill because it fails to protect seniors and children and because it fails to promote job growth. This is an irresponsible bill that prioritizes tax credits for corporations over our most vulnerable citizens.

This bill cuts the Home and Community Based Waiver (HCBW) program and will result in fewer seniors having the choice to stay in their own home. By cutting funding for the community agencies that works to help seniors stay in their homes we are pushing seniors into nursing homes. It also cuts funding for inspectors of adult foster care homes. Just last week, the State’s Attorney General reported shocking statistics on the number of seniors who are abused by care-takers. Cutting the inspectors who detect and stop this abuse is unconscionable.

I voted no on this bill because it fails to recognize the importance of early childhood programming. Coordination of efforts for our youngest of children is critical. Not only does this bill ignore the importance of healthy environments for young children, it imposes a \$5 tax increase per month on low-income families participating in the state’s MI Child health insurance program. Other states’ experiences have shown that this results in one-third to one-half of eligible recipients losing health insurance.

A Families USA study, released just yesterday, demonstrates that as states impose tax increases like this one the number of uninsured rises. Ultimately, the increased cost of caring for the uninsured is paid for by residents who do have health insurance coverage. This not only increases the cost of health care insurance for every citizen in Michigan, but increases the cost of doing business in Michigan. At the current uninsured level, Michigan’s businesses pay \$274 more per individual they insure, and \$730 more for each family, to absorb the health care costs of the uninsured. This bill continues to shift the cost of health care coverage to Michigan’s working families.

I voted no on this bill because it fails to create new jobs. This bill eliminates over \$200 million in new funding for job creation. It also cuts \$7.5 million to existing job creation programs from the Michigan Economic Development Corporations. These are jobs that are desperately needed in my community. As Michigan’s economy continues to struggle, Republicans are slashing funds for badly needed jobs.

Finally, I voted no because this bill cuts funding to Amtrak. This will likely result in the elimination of both the Blue Water (Port Huron to Chicago) and the Pere Marquette (Grand Rapids to Chicago) rail lines. Amtrak is an important economic engine in the state employing 133 Michigan residents and contracting for \$2.8 million in goods and services. Elimination of these lines will harm all of the communities the line passes through.

I refuse to vote for a state budget that places our most vulnerable residents: seniors and children at risk while at the same time failing to create desperately need jobs in this state.”

Rep. Angerer, 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 this bill because this is an irresponsible bill that prioritizes tax credits for corporations over our most vulnerable citizens. It fails to protect seniors and children and furthermore because it fails to promote job growth. We need to protect children and seniors while balancing the budget and creating jobs. We need a budget that will move Michigan forward.

I refuse to vote for a state budget that places our most vulnerable residents at risk while at the same time failing to create desperately need jobs in our state.”

Reps. Adamini and Brown, 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 4831 because it not only closes the Newberry Correctional Facility but also slashes state funding for Northern Michigan University. These are two very important components of the Upper Peninsula economy, critical to the economic well-being of our region. It is unconscionable to cut jobs and cut education when Michigan’s unemployment rate is at an all-time high.

I voted no on this bill because it fails to create new jobs. This bill eliminates over \$200 million in new funding for job creation. It also cuts \$7.5 million to existing job creation programs from the Michigan Economic Development Corporations. These are jobs that are desperately needed in my community. As Michigan’s economy continues to struggle, Republicans are slashing funds for badly needed jobs.

This bill also cuts the Home and Community Based Waiver (HCBW) program and will result in fewer seniors having the choice to stay in their own home. This budget cuts almost \$1 million from the Northern Michigan AAA Region 11 for vital care management to our seniors. This funding helps ensure seniors can stay in their homes instead of being pushed into nursing homes. It also cuts funding for inspectors of adult foster care homes. Just last week, the State’s Attorney General reported shocking statistics on the number of seniors who are abused by care-takers. Cutting the inspectors who detect and stop this abuse is unconscionable.

I voted no on this bill because it fails to recognize the importance of early childhood programming. Coordination of efforts for our youngest of children is critical. Not only does this bill ignore the importance of healthy environments for young children, it imposes a \$5 tax increase per month on low-income families participating in the state’s MI Child

health insurance program. Other states' experiences have shown that this results in one-third to one-half of eligible recipients losing health insurance.

I refuse to vote for a state budget that places our most vulnerable residents: seniors and children at risk; closes Newberry Correctional Facility and slashes funding to Northern Michigan University."

Rep. Cushingberry, 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 this bill because it balances the budget on the backs of the poor, unleashes a possible public health threat, will increase crime, and it denies the less fortunate the opportunity for fair legal representation. This bill further denies the citizens of Detroit the opportunity to utilize our gas tax dollars for buses larger than 40 passengers and to support the Detroit People Mover.

I voted no on this bill because it fails to protect seniors and children and because it fails to promote job growth and disproportionately harms Detroit residents. This is an irresponsible bill that prioritizes tax credits for corporations over our most vulnerable citizens.

This bill eliminated \$5.1m in higher education funding for minority students who receive scholarships through the King-Chavez-Parks program. This means 27,500 minority students could be without assistance next year.

This bill attacks the corrections system. It cuts \$17m from academic and vocational programs in prisons, \$2 million in testing and treating prisoners with Hepatitis B and C, and dramatically taxes purchases in commissaries.

This bill cuts the Home and Community Based Waiver (HCBW) program and will result in fewer seniors having the choice to stay in their own home. By cutting funding for the community agencies that works to help seniors stay in their homes we are pushing seniors into nursing homes. It also cuts funding for inspectors of adult foster care homes. Just last week, the State's Attorney General reported shocking statistics on the number of seniors who are abused by care-takers. Cutting the inspectors who detect and stop this abuse is unconscionable.

I voted no on this bill because it fails to recognize the importance of early childhood programming. Coordination of efforts for our youngest of children is critical. Not only does this bill ignore the importance of healthy environments for young children, it imposes a \$5 tax increase per month on low-income families participating in the state's MICHild health insurance program. Other states' experiences have shown that this results in one-third to one-half of eligible recipients losing health insurance.

This bill cuts \$98 million in funding for health care for the families of ill children, affecting more than 10,000 families in Wayne County.

Finally, I voted no on this bill because it fails to create new jobs. This bill eliminates over \$200 million in new funding for job creation. It also cuts \$7.5 million to existing job creation programs from the Michigan Economic Development Corporations. These are jobs that are desperately needed in my community. As Michigan's economy continues to struggle, Republicans are slashing funds for badly needed jobs.

I refuse to vote for a state budget that places our most vulnerable residents: seniors and children at risk while at the same time failing to create desperately need jobs in this state. I call on our great Governor to veto this Classist, Sexist, and Racist proposal. My opposition to the idea of a zero (and the farce of results) based budget is in my committee no vote."

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. Bieda, Vagnozzi, Wojno, Sak, McConico, David Law, Dillon, Adamini, Anderson, Brown, Clemente, Condino, Gonzales, Hopgood, Jones, Kehrl, Kolb, Lemmons, III, Lipsey, Mayes, Meisner, Miller, Murphy, Palmer, Polidori, Proos, Alma Smith, Stahl, Taub, Tobocman, Waters and Zelenko offered the following resolution:

House Resolution No. 88.

A resolution to memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program.

Whereas, The Republic of Poland is a free, democratic, and independent nation. The fall of the Berlin Wall in 1989 paved the way for Poland to break free from Soviet control and pursue its own destiny. In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization. Since that historic occasion, the Republic of Poland has proven to be an indispensable ally in the global

campaign against terrorism. Poland actively participated in Operation Iraqi Freedom and the Iraqi reconstruction mission, shedding blood along with American military personnel; and

Whereas, From the beginning of Poland's new independence, the Polish people have expressed their wishes for close ties with America. On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation for United States citizens traveling to Poland. The United States has not reciprocated this gesture. Our Department of State's Visa Waiver Program currently allows citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without first obtaining visas for entry. The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, The President of the United States and other high ranking officials have rightly described Poland as "one of our closest friends." After emerging from five decades of foreign domination, the people of Poland have made great strides in building a free and prosperous nation to stand by America's side in the great struggle of our day. It is appropriate that the Republic of Poland be made eligible for the United States Department of State Visa Waiver Program; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Ambassador of the Republic of Poland to the United States of America.

The resolution was referred to the Committee on Government Operations.

Reps. Nitz, Adamini, Anderson, Ball, Booher, Brown, Caswell, Caul, Clemente, Dillon, Garfield, Gleason, Gonzales, Gosselin, Green, Hildenbrand, Hopgood, Jones, Kehrl, Kolb, Kooiman, LaJoy, Kathleen Law, Lemmons, III, Lemmons, Jr., Lipsey, Marleau, Mayes, McDowell, Meisner, Meyer, Miller, Mortimer, Murphy, Palsrok, Phillips, Polidori, Proos, Sak, Alma Smith, Stahl, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 89.

A resolution to recognize July 3-9, 2005, as Fun, Safe Swimming Week in the state of Michigan.

Whereas, Michigan is a popular vacation spot with more than 3,000 miles of Great Lakes' shoreline, more than 11,000 inland lakes, and abundant streams and waterways; and

Whereas, Swimming is a popular form of summer exercise and recreation among people who want to strengthen their cardiovascular system and get a full body workout, or just cool off; and

Whereas, Summer is a time for families and friends to enjoy get-togethers and parties around pools and other water; and

Whereas, Every summer people drown, nearly-drown, and have diving accidents. We recommend that every family enroll their children in a safe swimming course; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare July 3-9, 2005, as Fun, Safe Swimming Week in the state of Michigan.

Pending the reference of the resolution to a committee,

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

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Nitz, Adamini, Ball, Booher, Caul, Gleason, Gonzales, Gosselin, Hildenbrand, Hopgood, Jones, Kolb, Kooiman, LaJoy, Lemmons, III, Lemmons, Jr., Lipsey, Marleau, Meyer, Miller, Mortimer, Murphy, Phillips, Polidori, Proos, Sak, Stahl, Taub, Vagnozzi, Vander Veen, Wojno and Zelenko offered the following resolution:

House Resolution No. 90.

A resolution expressing appreciation and support for the Ambassador Bridge.

Whereas, The Ambassador Bridge has provided a safe and efficient border crossing service for people and goods since its dedication on November 11, 1929; and

Whereas, The total U.S. trade with Ontario is nearing \$400 billion annually. This amount is larger than the total U.S. trade with Japan. Almost 30 percent of Ontario's trade total crosses the Ambassador Bridge; and

Whereas, The Ambassador Bridge has continually taken steps to enhance its service and to increase the volume of traffic that can move safely and efficiently between Canada and the U.S. with capacity increases in 2001 and 2004; and

Whereas, The Ambassador Bridge has, and will, continue to properly secure the border since 9/11; and

Whereas, In response to a December 2004 request from outgoing U.S. Secretary of Homeland Security, Tom Ridge, and Canada's Deputy Prime Minister, Anne McLellan, for a 25 percent increase in throughput capacity at each border crossing by June 2005, the Ambassador Bridge has presented plans for a 50 percent increase in capacity on the U.S. Plaza and a 45 percent increase on the Canadian Plaza; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body express appreciation and support for the Ambassador Bridge. We applaud the Detroit International Bridge Company for its continual program of enhancement of service and throughput capacity of this vital border crossing; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit International Bridge Company as a token of our esteem.

The resolution was referred to the Committee on Commerce.

Messages from the Senate

Senate Bill No. 533, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

The Senate has passed the bill.

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

Senate Joint Resolution C, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 15 of article IX, to authorize the issuance of general obligation bonds and to finance the creation of new jobs in this state.

The Senate has passed the bill.

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

Messages from the Governor

Date: June 9, 2005

Time: 3:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4774 (Public Act No. 42, 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 20129a (MCL 324.20129a), as amended by 2004 PA 114.

(Filed with the Secretary of State June 9, 2005, at 3:44 p.m.)

The following message from the Governor was received June 9, 2005 and read:

EXECUTIVE ORDER

No. 2005 – 14

DEPARTMENT OF COMMUNITY HEALTH

OFFICE OF LONG-TERM CARE SUPPORTS AND SERVICES

MICHIGAN LONG-TERM CARE SUPPORTS AND SERVICES ADVISORY COMMISSION

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 taking care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, Michigan's publicly-supported system of long-term care must be provided in an integrated and coordinated manner, and must focus on the provision of adequate supports and services, and care for consumers in an efficient, effective, and accountable manner;

WHEREAS, consumers and the families or advocates involved with and most affected by Medicaid long-term care services and supports should be consulted on an on-going basis about ways to improve the quality and delivery of long-term care services and supports;

WHEREAS, Michigan's long-term care system must seek to provide effective public education about the options and settings for long-term services and supports and provide timely and informed access to those options through person-centered planning;

WHEREAS, the Michigan Medicaid Long-Term Care Task Force established by Executive Order 2004- 1, has completed its work and submitted its final report and recommendations;

WHEREAS, there is a need to take immediate initial steps to begin moving toward the implementation of recommendations made by the Michigan Medicaid Long-Term Care Task Force;

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. "Commission" means the Michigan Long-Term Care Supports and Services Advisory Commission created within the Department under this Order.

B. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the "Department of Community Health" under Executive Order 1996-1, MCL 330.3101.

C. "Office" means the Michigan Office of Long-Term Care Supports and Services created within the Department under this Order.

D. "Office of Services to the Aging" means the Office of Services to the Aging created within the Department of Management and Budget under Section 5 of the Older Michigianians Act, 1981 PA 180, MCL 400.585, and transferred to the Department of Community Health by Executive Order 1997-5, MCL 400.224.

E. "Task Force" means the Michigan Medicaid Long-Term Care Task Force created under Executive Order 2004-1.

II. CREATION OF OFFICE OF LONG-TERM CARE SUPPORTS AND SERVICES

A. The Office of Long-Term Care Supports and Services is created within the Department of Community Health. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Director of the Department.

B. Staff of the Office shall be designated by the Director of the Department as he or she deems appropriate and sufficient to perform the duties and fulfill the responsibilities of the Office under this Order. The Department initially shall be staff by reallocating resources from the following organizational units or programs within the Department:

1. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Professions.
2. The Health Policy, Regulation, and Professions Administration of the Bureau of Health Services.
3. The Medical Services Administration.
4. The Mental Health and Substance Abuse Services Administration.
5. The Office of Services to the Aging.

C. The Office shall be headed by the Director of the Office of Long-Term Care Supports and Services who shall be a member of the state classified service and report to the Director of the Department.

D. The Office shall do all of the following:

1. Administer activities to implement the recommendations of the Task Force.
2. Coordinate state planning for long-term care supports and services.
3. Review and approve long-term care supports and services policy formulated by state departments and agencies for adoption or implementation.
4. Conduct efficiency, effectiveness, and quality assurance reviews of publicly-funded long-term care programs.
5. Identify and make recommendations to the Director of the Department regarding opportunities to increase consumer supports and services, organizational efficiency, and cost-effectiveness within Michigan's long-term care system.
6. Prepare an annual report for the Director of the Department and the Governor on the progress of implementing the recommendations of the Medicaid Long-Term Care Task Force Report.
7. Oversee the implementation of the single point-of-entry demonstration programs required under Section VI.

E. The Office shall assume the functions performed by the Department's Office of Long-Term Care Supports and Services prior to the effective date of this Order.

III. CREATION OF THE MICHIGAN LONG-TERM CARE SUPPORTS AND SERVICES COMMISSION

A. The Michigan Long-Term Care Supports and Services Advisory Commission is created as an advisory body within the Department as a forum for the discussion of issues relating to the provision of long-term care supports and services in Michigan.

B. The Commission shall consist of 15 members appointed by the Governor, including each of the following:

1. Eight members representing primary or secondary consumers of long-term care supports and services.
2. Three members representing providers of Medicaid-funded long-term care supports and services.
3. Three members representing direct care staff providing long-term care supports and services.
4. One member representing the general public.

C. In addition to the members appointed under Section III.B, the Director of the Department, the Director of the Department of Human Services, the Director of the Department of Labor and Economic Growth, the Director of the Office of Services to the Aging, and the State Long-Term Care Ombudsman, or their designees, shall serve as non-voting ex-officio members of the Commission.

D. Except as otherwise provided in this Section III.D, a member of the Commission appointed under Section III.B shall be appointed to serve for a term of 4 years. To provide for staggered terms, of the members initially appointed under Section III.B, 4 members shall be appointed for a term expiring on May 31, 2006, 4 members shall be appointed for a term expiring on May 31, 2007, 4 members shall be appointed for a term expiring on May 31, 2008, and 3 members shall be appointed for a term expiring on May 31, 2009. A member appointed under Section III.B shall continue to serve until a successor is appointed and qualified.

E. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

F. The Governor shall designate one of the members of the Commission to serve as its Chairperson. The Commission may select from among its members a Vice-Chairperson.

IV. CHARGE TO THE COMMISSION

A. The Commission shall act in an advisory capacity and shall do all of the following:

1. Review and monitor the implementation of recommendations of the Task Force.
2. Review and comment upon quality assurance reviews of Michigan's long-term care system.
3. Serve in an effective and visible consumer advocacy role for improving the quality of, and access to, long-term care supports and services.
4. Participate in the preparation and review of an on-going, comprehensive statewide plan and resources plan for long-term care supports and services to address and meet identified consumer preferences and needs.
5. Ensure the broadest possible on-going public participation in statewide planning.
6. Promote broad, culturally competent, and effective public education initiatives about long-term care issues and choices and provide opportunities for direct involvement by the public.
7. Recommend a performance evaluation of the single point of entry demonstration programs required by this Order and make recommendations for the improvement of the single point of entry system in this state.
8. Discuss potential changes in policy that would encourage more effective provision of long-term care supports and services.

B. The Commission shall provide other information, recommendations, or advice relating to long-term care supports and services as requested by the Governor or the Director of the Department.

V. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed and assisted by personnel from the Office, subject to available funding. Any budgeting, procurement, and related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

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

C. The Commission shall select from among its members a Secretary. Commission staff shall assist the Secretary with recordkeeping responsibilities.

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

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

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

G. The Commission may, as appropriate, make inquiries, conduct studies, conduct investigations, hold hearings, and receive comments from the public. The Commission 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.

H. Members of the Commission shall serve without compensation. Members of the Commission 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.

I. The Commission 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 Commission 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 Civil Service Commission and the Department of Management and Budget.

J. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

K. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

VI. SINGLE POINT-OF-ENTRY DEMONSTRATION PROGRAMS

A. By June 30, 2006, the Department shall establish not less than 3 single point-of-entry demonstration programs for the delivery of long-term care supports and services. At least one of the programs must be located in an urban area and at least one of the programs must be located in a rural area.

B. The Department shall conduct evaluations of the efficiency and effectiveness of the demonstration programs in meeting expectations for single point-of-entry initiatives identified in the report issued by the Task Force.

C. In developing the single point-of-entry demonstration programs, the Department shall use a collaborative model. The Office of Services to the Aging and the Department of Human Services shall cooperate with the Department in the implementation of this Section IV.

VII. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall give to the Commission, or to any member or representative of the Commission any necessary assistance required by the Commission, or any member or representative of the Commission, in the performance of the duties of the Commission 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 Commission.

B. To implement the requirements of this Order, the Director of the Department is authorized to establish the internal organization of the Department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the Department as authorized by Section 7 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.107.

C. Nothing in this Order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units in a manner requiring the force of law pursuant to Section 2 of Article 5 of the Michigan Constitution of 1963.

D. As the Medicaid Long-Term Care Task Force created by Executive Order 2004-1 has completed the work for which it was created, the Task Force is abolished. Executive Order 2004-1 is rescinded in its entirety.

E. 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.

F. 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 9th 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.

Rep. Lemmons, III moved that the House adjourn.
The motion prevailed, the time being 5:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 14, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives