

**No. 15**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2006**

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House Chamber, Lansing, Wednesday, February 15, 2006.

1:00 p.m.

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

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

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

e/d/s = entered during session

Rep. Glenn Steil, Jr., from the 72nd District, offered the following invocation:

“Dear God, thank You for giving all of us the opportunity today to share in the fellowship of one another. We ask for Your blessing and presence on this occasion and ask that together we may prove ourselves mindful of Your favor and eager to do Your will.

We know You have given us the tools needed to live according to Your righteousness and word and only hope that on this day and all others we can perceive what is right, and seek first Your honor and glory.

Lord, as You look over us today, please bless this governing body of our elected officials and the selfless staff members, employees and volunteers who dedicate their time and energy to make this world a better place for all of God’s children. May we continue to use Your spirit of wisdom to spread peace and justice at home, and through obedience to Your principles, display Your greatness through the authority of government.

In closing, we pray that our conversations and attitudes today will be pleasing to You and that we enjoy the time we have to spend together on this beautiful day.

All of which we pray through Your name, Amen.”

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Rep. Sak moved that Reps. Lemmons, III and Zelenko be excused from today’s session.  
The motion prevailed.

### Second Reading of Bills

#### **Senate Bill No. 569, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 266 (MCL 206.266), as amended by 2001 PA 70.

The bill was read a second time.

Rep. Sheen moved to amend the bill as follows:

1. Amend page 5, line 9, after “AND” by inserting “**IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT**”.

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

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

The motion prevailed.

#### **Senate Bill No. 570, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 39c (MCL 208.39c), as amended by 2001 PA 69.

The bill was read a second time.

Rep. Sheen moved to amend the bill as follows:

1. Amend page 5, line 8, after “AND” by inserting “**IS LOCATED WITHIN THE BOUNDARIES OF AN ASSOCIATION THAT**”.

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

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

The motion prevailed.

#### **Senate Bill No. 561, entitled**

A bill to amend 1963 PA 17, entitled “An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,” by amending section 7 (MCL 691.1507), as added by 1987 PA 30.

The bill was read a second time.

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

The motion prevailed.

**Senate Bill No. 179, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

The bill was read a second time.

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

The motion prevailed.

**House Bill No. 5602, entitled**

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

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

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

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

The motion prevailed.

Pending the Second Reading of

**House Bill No. 4121, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by repealing section 14i (MCL 400.14i).

Rep. Hildenbrand moved that the bill be re-referred to the Committee on Family and Children Services.

The motion prevailed.

Pending the Second Reading of

**House Bill No. 5002, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20161 (MCL 333.20161), as amended by 2004 PA 469.

Rep. Hildenbrand moved that the bill be re-referred to the Committee on Appropriations.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills****Senate Bill No. 658, entitled**

A bill to amend 1889 PA 39, entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce," by amending section 4 (MCL 455.54), as amended by 1982 PA 85.

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

**Roll Call No. 74****Yeas—105**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	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
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl

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

### Nays—1

Bennett

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.

### Senate Bill No. 751, entitled

A bill to amend 1929 PA 137, entitled “An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers,” by amending section 19 (MCL 455.219).

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

### Roll Call No. 75

### Yeas—106

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

Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David		

**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.

**Senate Bill No. 128, entitled**

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 10 (MCL 28.730), as amended by 2004 PA 240.

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

**Roll Call No. 76****Yeas—94**

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

**Nays—12**

Bennett  
Clack  
Cushingberry

Dillon  
Hoogendyk  
Hummel

Law, Kathleen  
Meisner  
Miller

Smith, Alma  
Tobocman  
Vagnozzi

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 require persons convicted of certain offenses to register; to prohibit certain individuals from engaging in certain activities within a student safety zone; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,”

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.

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Rep. Hoogendyk, 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, not because I disagree with notification of residents when someone on the SOR moves into their ZIP code, but because I believe the SOR needs to be ‘fixed’. I do not believe it is appropriate to treat convicted rapists and child molesters the same as we treat individuals guilty of such misdemeanors as fourth degree CSC. There are model citizens of this state who are being unfairly singled out for a mistake they may have made years previously.”

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

“Mr. Speaker and members of the House:

I voted ‘no’ on SB128 because the electronic notification of sex offender registry is prone to error. On more than one occasion a person or address has been identified as an offender, be it sexual, drug, or criminal, only to be found innocent after suffering abuse and harassment from neighbors.”

Rep. Clack, 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 prefer to wait until all issues of how reporting of offenders via e-mail are conformed. The bill is a working progress. I do not want any person who is not an offender to be on the list.”

**Notices**

Rep. Hummel, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 72-73. Had I been present, I would have voted ‘yea’.”

By unanimous consent the House returned to the order of

**Third Reading of Bills****House Bill No. 5627, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending sections 111 and 913 (MCL 436.1111 and 436.1913).

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

**Roll Call No. 77****Yeas—105**

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	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	Kolb	Pearce	Wenke
DeRoche	Kooiman	Plakas	Whitmer
Dillon	LaJoy	Polidori	Williams
Donigan	Law, David	Proos	Wojno
Elsenheimer			

**Nays—1**

Drolet

In The Chair: Kooiman

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

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

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 913 (MCL 436.1913).

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.

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Speaker laid before the House

**House Bill No. 4544, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 508 (MCL 750.508), as amended by 2002 PA 672.

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 14, p. 222.)

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

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

**Roll Call No. 78****Yeas—106**

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

**Nays—0**

In The Chair: Kooiman

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.

The Speaker laid before the House

**House Bill No. 4727, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2003 PA 313.

(The bill was received from the Senate on February 14, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 14, p. 222.)

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

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

**Roll Call No. 79****Yeas—106**

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, Jr.	Sak



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

### Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

Rep. 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. Palmer, Accavitti, Adamini, Anderson, Ball, Baxter, Bieda, Booher, Brandenburg, Brown, Byrnes, Byrum, Casperson, Caul, Clack, Dillon, Emmons, Espinoza, Farhat, Garfield, Gillard, Gleason, Gosselin, Hansen, Hildenbrand, Hopgood, Huizenga, Jones, Kolb, Kooiman, LaJoy, Leland, Lemmons, Jr., Marleau, McDowell, Meyer, Miller, Mortimer, Murphy, Nitz, Nofs, Pastor, Pearce, Polidori, Proos, Rocca, Schuitmaker, Shaffer, Alma Smith, Spade, Stahl, Taub, Vander Veen, Waters and Wojno offered the following resolution:

#### House Resolution No. 198.

A resolution recognizing March 2006 as Reading Month in the state of Michigan.

Whereas, The members of the Michigan House of Representatives are dedicated to providing a quality education to all the children in Michigan; and

Whereas, The citizens of Michigan recognize reading as fundamental to children's education; and

Whereas, Research shows that children who read regularly, especially with adults, have greater success in schools; and

Whereas, Reading is essential to everyday life, both inside and outside of the classroom. Reading opens doors and allows children to explore the entire world and beyond. Reading is also a cornerstone to building productive, contributing citizens; and

Whereas, We recognize and promote the importance of community and parental involvement in every child's success in school; and

Whereas, We are committed to making Michigan's children, and America's children, the best readers in the world; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize March 2006 as Reading Month 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.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 15:

**House Bill Nos. 5671 5672 5673 5674 5675 5676 5677 5678**

**House Joint Resolution T**

**Senate Bill No. 1045**

The Clerk announced that the following Senate bills had been received on Wednesday, February 15:

**Senate Bill Nos. 603 604 838 839 959 960**

By unanimous consent the House returned to the order of

### Reports of Standing Committees

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

#### **House Bill No. 4423, entitled**

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1c (MCL 445.111c), as added by 2002 PA 612.

Without amendment and with the recommendation that the bill pass.

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

### Favorable Roll Call

To Report Out:

Yeas: Reps. Nofs, Proos, Emmons, Garfield, LaJoy, Palsrok, Stahl, Baxter, Schuitmaker, Dillon, Accavitti, Murphy, Mayes, Hunter, Hopgood and Clemente

Nays: None

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

#### **House Resolution No. 113.**

A resolution to urge the Governor and the Michigan Public Service Commission (MPSC) to form a coalition to develop an energy policy for the state of Michigan.

(For text of resolution, see House Journal No. 71 of 2005, p. 1232.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

#### **Substitute for House Resolution No. 113.**

A resolution to urge the Governor, the Legislature, and the Michigan Public Service Commission (MPSC) to form a coalition to develop an energy policy for the state of Michigan.

Whereas, A reliable and abundant supply of reasonably-priced energy is essential to Michigan's economy and the welfare of its citizens. Michigan is almost entirely dependent on fuels imported from other areas. High energy prices are causing a huge drain on our state economy. A robust economy depends on adequate supplies of energy; and

Whereas, Energy conservation, clean fuels, and environmentally sound energy production are essential to the health and welfare of Michigan's citizens. Because all energy production has environmental impacts, research and development of alternative energy fuels and technologies and initiatives, such as Next Energy, should be facilitated. A recent study by the American Council for an Energy Efficient Economy found that a policy of energy efficiency and renewable energy could save over \$75 billion in gas costs and \$30 billion in electricity costs nationally. Michigan residents should be able to have ample energy as well as breathe clean air and drink clean water; and

Whereas, New generation, transmission, and other energy resources may be needed in the future. Most of Michigan's base-load electric generating power plants are 40 to 50 years old-well past their prime. It takes about \$1 billion and 6 to 10 years to build a new base-load power plant, and cost recovery is uncertain; and

Whereas, Using energy for its best and highest use is crucial when resources are limited. In the last few years, the vast majority of new electric generating plants constructed in Michigan and across the country are fueled by natural gas. With U.S. production projected to grow more slowly than consumption, it is expected that the U.S. will have to import more natural gas. Michigan's manufacturers, farmers, small businesses, local governments, retailers, and residents have been struggling to pay skyrocketing natural gas prices. It is extremely important to consider the highest and best use of natural gas and its role in the state's future energy make-up; and

Whereas, Energy diversity makes sense. Michigan should depend on a diverse set of electric generating sources, such as renewable energy sources, alternative energy generators, alternative fuels such as hydrogen and biodiesel, integrated gasification combined cycle (IGCC) power plants, and nuclear power plants. It is wise not to have all our eggs in one basket; and

Whereas, Peter Lark, Chairman of the MPSC, in a 2004 speech at the Michigan Electric Power Conference said that a long-term energy policy is essential to ensure that Michigan is able to meet the needs of its businesses and residents in the future. Three key issues-Long-term energy planning, a robust economy, and environmental regulation-are inherently intertwined and need to be a part of any energy policy; and

Whereas, An energy policy should have an overall vision and mission. It should look at the state's current energy strengths and weaknesses and plan for future energy opportunities and threats. It should have timelines, benchmarks, and other measurable outcomes so the public and policy makers can assess its effectiveness and map its progress; and

Whereas, The energy puzzle is complex and comprised of a multitude of pieces, such as economic and environmental impacts and security issues. A coalition of knowledgeable people is required to put all the puzzle pieces together in a coherent, holistic manner in order to devise a comprehensive energy policy for the state of Michigan; and

Whereas, The coalition should be bipartisan and comprised of representatives from the legislative and executive branches, including the MPSC. It should include business, labor, and nonprofit leaders, representatives from the energy industry, consumer advocates, and environmental advocates; and

Whereas, The coalition should be flexible and able to recognize and adapt the energy policy to evolving challenges and technologies. It should meet biennially, beginning the first January of a new legislative cycle and concluding on the first Monday of March, when it should deliver a report of its findings to the legislature. The biennial meetings should ensure that the policy is up-to-date and effective. The coalition should monitor what is happening at the federal level and ensure that the state's policy complements rather than thwarts national policy; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor, the Legislature, and the Michigan Public Service Commission (MPSC) to form a coalition to develop an energy policy for the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the Governor's Office and the Chairman of the Michigan Public Service Commission.

The resolution and substitute were laid over one day under the rules.

#### Favorable Roll Call

To Report Out:

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

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2006

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

Absent: Reps. Drolet and Moore

Excused: Reps. Drolet and Moore

The Committee on Education, by Rep. Palmer, Chair, reported  
**House Bill No. 5675, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230, 1230a, 1230d, 1230g, 1535a, and 1539b (MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a, and 380.1539b), section 1230 as amended by 2005 PA 129, section 1230a as amended by 2005 PA 138, section 1230d as added by 2005 PA 131, and section 1230g as and sections 1535a and 1539b as amended by 2005 PA 130, and by adding section 1230h.

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

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

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Palmer, Mortimer, Gosselin, Meyer, Hoogendyk, Vander Veen, Wenke, Ball, Hildenbrand, Pearce, Proos, Robertson, Hopgood, Miller, Angerer, Virgil Smith, Clack, Vagnozzi and Polidori

Nays: None

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2006

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2006

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

#### COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 15, 2006

Present: Reps. Sheen, Meyer, Gosselin, Drolet, Hoogendyk, Stakoe, Marleau, Bieda, Farrah, Miller, Meisner, Bennett and Mayes

Absent: Reps. Newell, Palmer, Jones and Zelenko

Excused: Reps. Newell, Palmer, Jones and Zelenko

#### Introduction of Bills

Reps. Gaffney and Lemmons, III introduced

**House Bill No. 5679, entitled**

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 231, 441, and 505 (MCL 450.1231, 450.1441, and 450.1505), sections 231 and 441 as amended by 1989 PA 121 and section 505 as amended by 1993 PA 91.

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

Reps. Lemmons, III, Lemmons, Jr., Drolet, Cushingberry and Sheltroun introduced

**House Bill No. 5680, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 943 (MCL 600.943); and to repeal acts and parts of acts.

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

Reps. Sheen, McConico, Clack, Gosselin, Vander Veen, Virgil Smith, Pastor, Hoogendyk, Schuitmaker, LaJoy, Robertson, Kooiman, Stakoe, Amos, Brandenburg, Palmer, Hildenbrand, Condino, Hunter and Lemmons, III introduced

**House Bill No. 5681, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 36e. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Hood, LaJoy, David Law, Meyer, Anderson, Hoogendyk, Leland, Gleason, Polidori, Mayes, Byrnes, Virgil Smith, Casperson, Wenke, Nitz and Lemmons, III introduced

**House Bill No. 5682, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 98 (MCL 250.1098), as added by 2005 PA 258.

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

Reps. Ward, Caswell, Adamini, Drolet, Green, Polidori, Ball, Bennett, Gosselin, Casperson, Hansen, Farhat, Marleau, LaJoy, Kooiman, Taub and Acciavatti introduced

**House Bill No. 5683, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 13d (MCL 125.1513d), as added by 1999 PA 245.

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

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5449, entitled**

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

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

**House Bill No. 5450, entitled**

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported  
**House Bill No. 5451, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 349b. Without amendment and with the recommendation that the bill pass.  
 The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith  
 Nays: None

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported  
**Senate Bill No. 120, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

Without amendment and with the recommendation that the bill pass.  
 The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith  
 Nays: None

### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:  
 Meeting held on: Wednesday, February 15, 2006

Present: Reps. Van Regenmorter, Schuitmaker, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Reps. Newell and McConico

Excused: Reps. Newell and McConico

### Messages from the Senate

#### **House Bill No. 4606, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

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. 5498, entitled**

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

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

The House agreed to the full title.

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

**Senate Bill No. 603, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 28.

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. 604, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 28.

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. 838, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 106 and 107 (MCL 400.106 and 400.107), section 106 as amended by 2004 PA 409.

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. 839, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2004 PA 544.

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. 959, entitled**

A bill to amend 1990 PA 345, entitled "State survey and remonumentation act," by amending section 11 (MCL 54.271).

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. 960, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending section 408 (MCL 484.1408), as amended by 2004 PA 89.

The Senate has passed the bill.

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

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Rep. Wenke moved that the House adjourn.

The motion prevailed, the time being 2:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 16, at 10:30 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives

