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REGULAR SESSION OF 2004

House Chamber, Lansing, Thursday, June 10, 2004.

12:01 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	Garfield—present	Meisner—present	Sheen—present
Acciavatti—present	Gieleghem—present	Meyer—present	Sheltrown—present
Adamini—present	Gillard—present	Middaugh—present	Shulman—present
Amos—present	Gleason—present	Milosch—present	Smith—present
Anderson—excused	Hager—present	Minore—excused	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—present	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Newell—present	Steil—excused
Brown—present	Hopgood—present	Nitz—present	Stewart—present
Byrum—present	Howell—present	Nofs—present	Tabor—present
Casperson—present	Huizenga—present	O’Neil—present	Taub—present
Caswell—present	Hummel—present	Palmer—excused	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—excused	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present

e/d/s = entered during session

Rep. Jerry O. Kooiman, from the 75th District, offered the following invocation:

“Dear Lord, as we begin this new day that You have created, tired from the evening just passed, we asked that You would give us physical strength to complete the work before us. We pray for guidance for our continued deliberations on the issues we yet face in this hour. We pray for patience. We pray for wisdom and understanding so that we might govern wisely. We pray for courage to do what is right. We pray for humility in our actions, and we pray that despite difference of opinion, that we would always treat one another with civility and respect. Thank You for this day and the opportunities that lie before us. Guide us safely to our destinations. In Thy name, we pray. Amen.”

Rep. Hummel moved that Reps. Palmer and Steil be excused from today’s session.
The motion prevailed.

Rep. Waters moved that Reps. Daniels, Minore and Anderson be excused from today’s session.
The motion prevailed.

Second Reading of Bills

Senate Bill No. 151, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 151, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 6 of chapter V (MCL 765.6), as amended by 1988 PA 46.

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

Roll Call No. 487

Yeas—103

Accavitti	Garfield	Meisner	Sheltrown
Acciavatti	Gielegem	Meyer	Shulman
Adamini	Gillard	Middaugh	Smith
Amos	Gleason	Milosch	Spade
Bieda	Hager	Moolenaar	Stahl
Bisbee	Hardman	Mortimer	Stakoe
Bradstreet	Hart	Murphy	Stallworth
Brandenburg	Hoogendyk	Newell	Stewart
Brown	Hopgood	Nitz	Tabor
Byrum	Howell	Nofs	Taub
Casperson	Huizenga	O’Neil	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Hunter	Pastor	Vander Veen

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

Nays—0

In The Chair: Julian

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

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

The House agreed to the full title.

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

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

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5509**, Reps. Pumford, Caswell and Phillips.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5516**, Reps. Kooiman, Hoogendyk and Kolb.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5517**, Reps. Taub, Moolenaar and Williams.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5519**, Reps. Amos, Acciavatti and Reeves.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5520**, Reps. Stewart, Steil and Hunter.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5521**, Reps. Shulman, Steil and Whitmer.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5522**, Reps. Caul, Taub and Williams.

The Speaker appointed as conferees, on the part of the House of Representatives for **House Bill No. 5526**, Reps. Caul, Taub and Williams.

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

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in immigration matters and the providing of services in those matters; to set standards and security requirements involving certain immigration matters and persons engaged in immigration matters; to create a list of immigration clerical assistants; to provide for certain powers and duties for certain state agencies; and to provide for remedies and penalties.

The Senate has concurred in the House amendment to the Senate substitute (S-1).

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

House Bill No. 5859, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204 and 3212 (MCL 600.3204 and 600.3212), as amended by 1994 PA 397.

The Senate has amended the bill as follows:

1. Amend page 3, line 2, after the first "mortgage" by striking out the comma and inserting "and".

2. Amend page 3, line 3, after "recorded" by striking out the balance of the line through "**assignment**" on line 5.

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

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, June 8:

Senate Bill Nos. 1287 1288 1289

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, June 10, for her approval of the following bill:

Enrolled House Bill No. 5029 at 1:48 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, June 10:

**House Bill Nos. 5979 5980 5981 5982 5983 5984 5985 5986 5987 5988 5989 5990 5991 5992
5993 5994 5995 5996 5997 5998 5999 6000 6001 6002 6003 6004 6005 6006
6007 6008 6009 6010 6011 6012 6013 6014 6015 6016 6017**

Messages from the Governor

Date: June 10, 2004

Time: 9:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5381 (Public Act No. 136, I.E.), being

An act to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be

brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding chapter 28.

(Filed with the Secretary of State June 10, 2004, at 10:08 a.m.)

Date: June 10, 2004

Time: 9:42 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5671 (Public Act No. 137, I.E.), being

An act to amend 1909 PA 279, entitled “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,” by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

(Filed with the Secretary of State June 10, 2004, at 10:10 a.m.)

Rep. Hood moved that the House adjourn.

The motion prevailed, the time being 2:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 15, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

