

**No. 2**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Thursday, January 27, 2005.

10:30 a.m.

The House was called to order by the Speaker.

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

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

Rep. Frank Accavitti, Jr., from the 42nd District, offered the following invocation:

“Father, Creator, as we begin this 93rd legislative session, we thank You for the opportunity to serve You and the state of Michigan. We ask Your guidance, Your wisdom, and Your direction. Bless our Governor, bless the Senate, and bless this House of Representatives. In Your name, we pray. Amen.”

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The Speaker called the Speaker Pro Tempore to the Chair.

Rep. Palmer moved that Reps. Brandenburg, Steil and Vander Veen be excused from today’s session. The motion prevailed.

The Speaker resumed the Chair.

### **Motions and Resolutions**

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 7.**

A resolution of tribute offered as a memorial for Joe Forbes, former member of the House of Representatives.

Whereas, It is with great admiration for his long and distinguished tenure of service to the people of this state that we extend our highest tribute to honor the memory of Joe Forbes, a member of this legislative body from 1971 to 1984. With his friendly demeanor, strong belief in our system of self-government, and genuine affection for people, Joe Forbes left a legacy of effectiveness and leadership that continues to touch many lives across Michigan; and

Whereas, A gentleman with a deep sense of loyalty, Joe Forbes served in the Army during World War II. In 1958, he turned his attention to community needs with his election to the Oak Park City Council, and later became the city’s mayor and served as an Oakland County Commissioner. He brought his talents and understanding of issues to Lansing in 1971, and for 14 years he distinguished himself as a tireless advocate of his community and our state; and

Whereas, Elected as the Majority Floor Leader for five consecutive terms, Joe Forbes was a key leader in the Legislature as Michigan coped with serious challenges to our economy. Many significant policy initiatives that are now part of life in Michigan took place with the benefit of Representative Forbes’ vigorous support. Even after his retirement as a lawmaker, he continued to have a major impact on our state as the head of the Michigan Office of Job Training; and

Whereas, At every stage of public service, Joe Forbes demonstrated a genuine warmth for others. This memory will also long be part of his accomplishment-filled legacy; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our highest tribute to honor the memory of Joe Forbes, a member of this legislative body from 1971 to 1984; and be it further

Resolved, That copies of this resolution be transmitted to the Forbes family as evidence of our lasting respect for his memory in our state.

The question being on the adoption of the resolution,

The resolution was adopted by unanimous standing vote.

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The Speaker called the Speaker Pro Tempore to the Chair.

### **Messages from the Senate**

#### **Senate Concurrent Resolution No. 3.**

A concurrent resolution prescribing the Joint Rules of the Senate and House of Representatives.

Resolved by the Senate (the House of Representatives concurring), That the following be and are hereby adopted as the Joint Rules of the Senate and House of Representatives:

**JOINT RULES  
OF THE  
SENATE AND HOUSE OF REPRESENTATIVES**

**Transmission of Messages.**

Rule 1. All messages necessary for conducting legislative business between the two Houses shall be communicated in writing and electronically by the Secretary of the Senate and the Clerk of the House of Representatives.

**Amendments.**

Rule 2. It shall be in the power of either House to amend an amendment made by the other to any bill or resolution.

**Conference Committees.**

Rule 3. (a) The House not concurring in the amendments of the other House shall appoint conferees and notify the amending House of its action. The amending House shall request return of the bill or resolution or appoint conferees. The conference committee shall consist of three members from each House, to be appointed as each House may determine. The first named member of the House in which the bill or resolution originated shall be chairperson of the conference committee. Upon appointment of conferees by both Houses, the bill or resolution shall be referred to the conference committee. When one House amends or substitutes a bill, but then non-concurs in that bill as amended or substituted, those amendments or that substitute shall not be referred. The conference committee shall serve until the conference report has been adopted by both Houses or rejected by a House.

(b) The conference committees of the two Houses shall vote separately while in conference. The majority of each committee shall constitute a quorum of each committee and shall determine the position to be taken toward the propositions of the conference committee. If the conferees agree, a report shall be made which shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report and three copies, shall be filed in the House of origin where the question shall be on the adoption of the conference report. If the conference report is adopted, in the House of origin, the bill or resolution, including the original signed conference report, and two copies of the conference report shall be transmitted to the other House where the question shall be on the adoption of the conference report. If the conference report is adopted in the other House the bill or resolution and the original signed copy of the conference report shall be returned to the House of origin and referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

**Conference Committee Clerk.**

Rule 4. The conference committee clerk shall be from the House of origin, who shall notify the Secretary of the Senate and the Clerk of the House of Representatives of all scheduled meetings for public posting and shall deliver written notice to each member of the conference committee and the majority and minority leaders of each House indicating the time and place of all scheduled meetings. Conference committees on appropriation bills may use fiscal agency personnel for clerks.

**Conference Report: Rejection.**

Rule 5. If the conference report is rejected by the House of origin, it shall appoint second conferees and notify the other House of its action. The procedure shall then be the same as for an original conference.

If the conference report is rejected by the other House, it shall appoint second conferees, notify the House of origin of its action, and transmit the bill or resolution to the House of origin. Upon receipt of the bill or resolution, the House of origin shall appoint second conferees and refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

**Disagreement of Conferees.**

Rule 6. If the conferees are unable to agree, a report of that fact shall be made to both Houses. The report, that the conferees were unable to agree, shall be signed by at least a majority of the conferees of each House who were present and voted in the conference committee meeting to adopt the report. The bill or resolution, including the original signed conference report that the conferees were unable to agree, and three copies shall be filed in the House of origin. Both Houses shall appoint second conferees, and the House of origin shall refer the bill or resolution to the second conference committee. The procedure shall then be the same as for an original conference.

**Second Conference: Failure.**

Rule 7. When a second conference committee fails to reach agreement, or when a second conference report is rejected by either House, no further conference is in order.

**Power of Conferees.**

Rule 8. The conference committee shall not consider any matters other than the matters of difference between the two Houses.

For all bills making appropriations, adoption of a substitute by either House shall not open identical provisions contained in the other House-passed version of the bill as a matter of difference; nor shall the adoption of a substitute by either House open provisions not contained in either House version of the bill as a matter of difference.

When the conferees arrive at an agreement on the matters of difference that affects other parts of the bill or resolution, the conferees may recommend amendments to conform with the agreement. In addition, the conferees may also recommend technical amendments to the other parts of the bill or resolution, such as, necessary date revisions, adjusting totals, cross-references, misspelling and punctuation corrections, conflict amendments for bills enacted into law, additional anticipated federal or other flow through funding, and corrections to any errors in the bill or resolution or the title.

**Adoption of Conference Report.**

Rule 9. Conference reports shall not be subject to amendments or division. The vote on conference reports shall be taken by "yeas" and "nays" and shall require the same number of votes constitutionally required for passage of the bill or adoption of the resolution. Conference reports shall not be considered until printed in the Journal. The Journal printing requirement may be suspended by a House by a majority vote in that House, provided that a copy of the conference report has been made available to each Member.

**Conference Reports: Points of Order.**

Rule 10. Points of order regarding conference reports shall be decided by the presiding officer, subject to an appeal, which appeal shall be determined by a majority vote. When a conference report is ruled out of order, the conference report is returned to the originating conference committee with instructions to eliminate from the report such matters as have been declared not within the powers of the conferees to consider.

**Either House May Recede.**

Rule 11. At any time while in possession of the bill or resolution, either House may recede from its position in whole or in part, and the bill or resolution upon request may be returned to the other House for that purpose. If this further action is agreed to by both Houses, the bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

**Correction of Errors.**

Rule 12. If errors are found in a bill or resolution which has been passed or adopted by both Houses, the House in which the bill or resolution originated may make amendments to correct the errors and shall notify the other House of its action. If the corrective amendments are agreed to by the other House, the corrected bill or resolution shall be referred for enrollment printing and presentation to the Governor, filing with the Secretary of State, or filing for record with the Secretary of the Senate or Clerk of the House of Representatives.

In addition, the Secretary of the Senate and Clerk of the House of Representatives, as the case may be, shall correct obvious technical errors in the enrolled bill or resolution, including adjusting totals, misspellings, the omission or redundancy of grammatical articles, cross-references, punctuation, updating bill or resolution titles, capitalization, citation formats, and plural or singular word forms.

**Bills and Joint Resolutions.**

Rule 13. Upon introduction, no bill shall include catch lines, a severing clause, or a general repealing clause, as distinguished from a specific or an express repealing clause. The Secretary of the Senate and the Clerk of the House of Representatives shall delete such catch lines and clauses from all bills.

The same joint resolution shall not propose an amendment to the Constitution on more than one subject matter. However, more than one section of the Constitution may be included in the same joint resolution if the subject matter of each section is germane to the proposed amendment.

**Yeas and Nays.**

Rule 14. The yeas and nays shall be taken and printed in the Journal of the House taking action upon the passage or adoption of any bill, joint resolution, conference report, and amendments made by the other House to a bill or joint resolution.

**No Members Present.**

Rule 15. In the event the presiding officer and all members are absent on a day scheduled for meeting, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall call that House to order at the

designated time and announce the absence of a quorum. That House shall be declared adjourned until the succeeding legislative day and hour previously designated.

In any event where either or both Houses of the Legislature adjourns to a date certain for more than two days, a committee composed of the Majority Leader of the Senate and the Speaker of the House of Representatives may, by a unanimous vote of that committee, convene either or both Houses of the Legislature at any time in case of emergency.

If a gubernatorial appointment that is subject to the advice and consent process is made at a time such that 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. No other action shall be taken by the Senate during session convened under this provision. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session, and the Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

### **Passage, Adoption, and Enrollment Printing.**

Rule 16. Every bill passed or joint resolution adopted by both Houses and returned to the House of origin shall forthwith be enrolled and signed by the Secretary of the Senate and the Clerk of the House of Representatives. Enrolled bills shall be presented to the Governor, and enrolled joint resolutions that propose an amendment to the Constitution shall be filed with the Secretary of State with a certificate attached to the effect that the joint resolution has been adopted by the Senate and House of Representatives, respectively, in accordance with the provisions of the Constitution. If the House having last passed the bill or adopted the joint resolution requests its return and such request be granted or a motion is made in the House of origin to amend errors in the bill or joint resolution or to give the bill immediate effect, the enrollment printing shall not occur.

Every bill, joint resolution, and concurrent resolution passed or adopted by either House shall be transmitted to the other House. If notice of a motion to reconsider on the next succeeding legislative day is made from the floor or written notice is filed with the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, the bill, joint resolution, or concurrent resolution shall remain in that House until after adjournment the next succeeding legislative day. The notice of reconsideration shall be printed on the daily calendar and in the Journal. If no motion is made in accordance with such notice, the bill, joint resolution, or concurrent resolution shall immediately be transmitted after adjournment.

### **Immediate Effect.**

Rule 17. Whenever both Houses, by the constitutional vote, order that a bill take immediate effect, a statement shall be added at the enrollment of the bill in words to this effect: "This act is ordered to take immediate effect."

### **Joint Resolutions.**

Rule 18. Joint resolutions shall be used for the following purposes:

1. Amendments to the Constitution of Michigan.
2. Ratification of amendments to the Constitution of the United States submitted by the Congress.
3. Matters upon which power is solely vested in the Legislatures of the several states by the Constitution of the United States.

Joint resolutions proposing amendments to the Constitution of Michigan shall require a 2/3 vote of the members elected and serving in each House for adoption. Other joint resolutions shall require a majority of the members elected and serving in each House for adoption. All joint resolutions shall require a record roll call vote.

### **Veto Override: Filing with Secretary of State.**

Rule 19. When a bill is passed by both Houses over the objections of the Governor or a bill is not filed by the Governor with the Secretary of State within the constitutionally mandated 14-day period, and the Legislature continues in session, an official enrolled bill with a letter from the House of origin signed by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, shall be filed with the Secretary of State for a public act number to be assigned. The letter shall certify that the Governor's veto has been overridden by both Houses of the Legislature or that the bill has not been returned within the specified time, as the case may be, in accordance with the provisions of the Constitution.

### **Section Numbers of Compiled Laws - Amendments.**

Rule 20. The title of every bill to amend or repeal existing laws shall be clear and explicit so as to definitely fix what is proposed to be done. Such title shall refer to the act number and the year in which it was passed. If the bill was passed at an extra session of the Legislature, the title shall designate which extra session.

Such title shall contain the last title of the act it is proposed to amend. However, the short title (e.g., This act shall be known and may be cited as "The judiciary act of 1915,") shall be used in acts where it has been defined by

legislative enactment. The title shall also contain the chapter, part numbers and compiler's section numbers, if any, and the year of the compilation containing the same.

Following the passage of a bill with a short title, the House other than the House of origin shall replace the short title with the last full title of the act it is proposed to amend or repeal. Other corrective amendments to the title shall be made as may be necessary. The full title and amended title shall be agreed to by both Houses.

When an amendment to a bill or a bill to amend an existing law is printed, words proposed to be added to such law shall be printed in bold type, and the words to be omitted shall be printed in stricken-through type. This style requirement also applies to joint resolutions that amend the Constitution of Michigan.

All bills and joint resolutions introduced, amendments to joint resolutions, substitute bills and joint resolutions, and conference committee reports shall be approved as to form and section numbers by the Legislative Service Bureau.

#### **Tie-bars.**

Rule 21. A bill or resolution that is tie-barred to a request number shall not be considered for passage or adoption unless that tie-barred request item has been introduced. No bill or resolution shall be passed or adopted by either House until the tie-barred item has been designated in the appropriate blank space provided.

#### **Elections in Joint Convention.**

Rule 22. Whenever there is an election of any officer in joint convention, the result shall be certified by the President of the Senate and the Speaker of the House of Representatives. The results shall be announced by the presiding officers to their respective Houses, printed in the Journal of each House, and communicated to the Governor by the Secretary of the Senate and the Clerk of the House of Representatives.

#### **Legislative Handbook.**

Rule 23. The initial appointment of the standing committee members of the two Houses shall be printed in their respective Journals as soon as possible after the announcement. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and have printed a legislative handbook containing these appointments and other information they deem appropriate.

#### **Compensation.**

Rule 24. Compensation for members, officers, and employees of the Legislature shall be delivered to the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, and transmitted directly to the payee.

If the office of a member of the Legislature becomes vacant, the compensation for the elected successor shall begin on the date of his or her oath of office.

#### **Committee Expenses.**

Rule 25. No committee created by concurrent resolution shall incur expenses in excess of \$2,500.00 unless authorized in the resolution creating that committee.

#### **Final Adjournment of Regular Sessions.**

Rule 26. In the regular session in each year, this rule for adjournment shall govern.

The Majority Floor Leader of the Senate and/or the Majority Floor Leader of the House of Representatives shall introduce a concurrent resolution providing for an adjournment schedule for the Legislature for that regular session.

#### **Daily Adjournment.**

Rule 27. Neither House shall remain in session on any legislative day beyond 12:00 midnight. If either House is in session at 12:00 midnight, the presiding officer shall declare that House adjourned until a fixed hour for meeting on the next legislative day. That House shall stand adjourned until the next fixed meeting time.

#### **Pending Business.**

Rule 28. Any business, bill, or joint resolution which has not been defeated by either House shall be considered pending under the provisions of Article 4, Section 13 of the Constitution.

It shall not be in order for either House, by suspension of rules or any other means, to reconsider in a subsequent year the vote by which any business, bill, joint resolution, or veto override was defeated in a previous year unless there is a pending motion to reconsider offered in the odd-numbered year.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

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

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

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted.

**House Concurrent Resolution No. 1.**

A concurrent resolution providing for a joint convention of the House of Representatives and the Senate.  
(For text of concurrent resolution, see House Journal No. 1, p. 27.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Cassis, Goschka, Jacobs, Switalski and Toy as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

**Notices**

January 27, 2005

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 93rd Legislature to the House Standing Committees for the 2005-2006 Legislative Session:

**Agriculture**

Reps. Nitz (C), Ball (Maj. VC), Newell, Casperson, Stahl, Proos, Hune, Mayes (Min. VC), Spade, Kathleen Law, Sheltroun

**Appropriations**

Reps. Hummel (C), Pastor (Maj. VC), Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil Jr., Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer (Min. VC), Brown, Kolb, Sak, Cushingberry Jr., Cheeks, Williams, Plakas, Wheeler Smith, Phillips, Gonzales

**Banking and Financial Services**

Reps. Robertson (C), Green (Maj. VC), Huizenga, Hune, Palsrok, Hunter (Min. VC), Dillon, Clemente, Mayes

**Commerce**

Reps. Huizenga (C), Baxter (Maj. VC), Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner (Min. VC), Tobocman, Murphy, Dillon, Bennett, Accavitti, McConico

**Conservation, Forestry, and Outdoor Recreation**

Reps. Casperson (C), Hildenbrand (Maj. VC), Garfield, Nitz, Stakoe, Baxter, Rocca, McDowell (Min. VC), Sheltroun, Gillard, Espinoza

**Education**

Reps. Palmer (C), Mortimer (Maj. VC), Meyer, Vander Veen, Hoogendyk, Wenke, Ball, Elsenheimer, Hildenbrand, Pearce, Proos, Hopgood (Min. VC), Miller, Angerer, Virgil Smith, Kehrl, Clack

**Employment Relations, Training, and Safety**

Reps. Gosselin (C), Marleau (Maj. VC), Drolet, LaJoy, Bieda (Min. VC), Farrah, Hood

**Energy and Technology**

Reps. Nofs (C), Proos (Maj. VC), Drolet, Emmons, Garfield, Huizenga, LaJoy, Palsrok, Stahl, Baxter, Moore, Schuitmaker, Accavitti (Min. VC), Dillon, Murphy, Mayes, Hunter, Hopgood, Clemente

**Family and Children Services**

Reps. Stahl (C), Pearce (Maj. VC), Vander Veen, Hoogendyk, Sheen, Clack (Min. VC), Spade, Polidori, Lemmons Jr.

**Government Operations**

Reps. Drolet (C), Hoogendyk (Maj. VC), Gosselin, Garfield, Sheen, Tobocman (Min. VC), Lipsey, Lemmons III

**Health Policy**

Reps. Gaffney (C), Newell (Maj. VC), Robertson, Vander Veen, Hune, Ward, Nofs, Ball, Green, Kahn, Mortimer, Adamini (Min. VC), Wojno, McDowell, Murphy, Gleason, Angerer

**Higher Education**

Reps. Wenke (C), Emmons (Maj. VC), Palmer, Ward, Byrnes (Min. VC), Virgil Smith, Kehrl

**House Oversight, Elections, and Ethics**

Reps. Ward (C), Elsenheimer (Maj. VC), Gaffney, Meisner (Min. VC), Gillard

**Insurance**

Reps. Hune (C), Robertson (Maj. VC), Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hood III (Min. VC), Adamini, Leland, Anderson, Wojno, Condino, Farrah

**Judiciary**

Reps. Van Regenmorter (C), Schuitmaker (Maj. VC), Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey (Min. VC), Condino, Adamini, McConico, Bieda, Virgil Smith

**Local Government and Urban Policy**

Reps. Stakoe (C), Elsenheimer (Maj. VC), Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Tobocman (Min. VC), Accavitti, Donigan, Vagnozzi

**Natural Resources, Great Lakes, Land Use, and Environment**

Reps. Palsrok (C), Pavlov (Maj. VC), Meyer, Palmer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard (Min. VC), Miller, Byrnes, Kathleen Law, Bennett, Donigan

**Regulatory Reform**

Reps. Rocca (C), Jones (Maj. VC), Van Regenmorter, Gaffney, Palsrok, Wojno (Min. VC), McDowell, Lipsey, Lemmons III

**Senior Health, Security, and Retirement**

Reps. Vander Veen (C), Green (Maj. VC), Van Regenmorter, Stahl, Proos, Zelenko (Min. VC), Polidori, Clack, Vagnozzi

**Tax Policy**

Reps. Sheen (C), Meyer (Maj. VC), Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino (Min. VC), Bieda, Farrah, Zelenko, Miller, Meisner, Bennett,

**Transportation**

Reps. LaJoy (C), David Law (Maj. VC), Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce, Anderson (Min. VC), Byrnes, Murphy, Kathleen Law, Hood III, Gleason, Leland

**Veterans Affairs and Homeland Security**

Reps. Garfield (C), Moore (Maj. VC), Mortimer, Pavlov, Rocca, Espinoza (Min. VC), Sheltroun, Spade, Polidori

Sincerely,  
Craig DeRoche, Speaker  
Michigan House of Representatives

January 27, 2005

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 93rd Legislature to the subcommittees of the Appropriations Committee for the 2005-2006 Legislative Session:

**Agriculture**

Reps. Hansen (C), Walker (Maj. VC), Phillips (Min. VC)

**Community Colleges**

Reps. Booher (C), Kooiman (Maj. VC), Sak (Min. VC)

**Corrections**

Reps. Brandenburg (C), Pastor (Maj. VC), Wheeler Smith (Min. VC)



**Department of Community Health**

Reps. Caswell (C), Kahn (Maj. VC), Shaffer, Farhat, Wheeler Smith (Min. VC), Williams

**Department of Environmental Quality**

Reps. Pastor (C), Moolenaar (Maj. VC), Kolb (Min. VC)

**Department of Natural Resources**

Reps. Walker (C), Booher (Maj. VC), Williams (Min. VC)

**Economic Development**

Reps. Brandenburg (C), Amos (Maj. VC), Farhat, Kolb (Min. VC), Cheeks

**Family Independence Agency**

Reps. Shaffer (C), Kahn (Maj. VC), Caswell, Hansen, Kolb (Min. VC), Cushingberry

**Fiscal Oversight, Audit and Litigation**

Reps. Caswell (C), Moolenaar (Maj. VC), Whitmer (Min. VC)

**General Government**

Reps. Acciavatti (C), Taub (Maj. VC), Hansen, Gonzales (Min. VC), Phillips

**Higher Education**

Reps. Stewart (C), Caul (Maj. VC), Kooiman, Steil Jr., Brown (Min. VC), Whitmer

**History, Arts and Libraries**

Reps. Amos (C), Taub (Maj. VC), Cheeks (Min. VC)

**Joint Capital Outlay**

Reps. Farhat (C), Shaffer (Maj. VC), Kooiman, Pastor, Booher, Whitmer (Min. VC), Brown, Sak

**Judiciary**

Reps. Steil Jr. (C), Stewart (Maj. VC), Cushingberry (Min. VC)

**State Police/Military and Veterans Affairs**

Reps. Caul (C), Walker (Maj. VC), Sak (Min. VC)

**School Aid and Department of Education**

Reps. Moolenaar (C), Farhat (Maj. VC), Nofs, Steil Jr., Plakas (Min. VC), Cheeks

**Supplementals**

Reps. Hummel (C), Amos (Maj. VC), Whitmer (Min. VC)

**Transportation**

Reps. Taub (C), Acciavatti (Maj. VC), Casperson, Brown (Min. VC), Gonzales

Sincerely,  
Craig DeRoche, Speaker  
Michigan House of Representatives

January 27, 2005

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint the following Members of the 93rd Legislature to the following Statutory Committee for the 2005-2006 Legislative Session:

**Joint Committee on Administrative Rules**

Reps. Marleau (C), Hoogendyk, Van Regenmorter, Spade (Min. VC), Lemmons Jr.

Sincerely,  
Craig DeRoche, Speaker  
Michigan House of Representatives

January 27, 2005

Mr. Gary L. Randall, Clerk  
Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Clerk:

This letter serves as my authorization for the following Representatives to switch seats on the House floor:

Representative Virgil Smith will be permitted to move from seat #92 to seat #72. Representative Hood III will be moving from seat #72 to seat #92.

Representative Lamar Lemmons III will be permitted to move from seat #58 to seat #60. Representative Cushingberry Jr. will be moving from seat #59 to seat #58. Representative Sheltroun will be permitted to move from seat #60 to seat #59.

If you have any further questions regarding this matter please feel free to contact me at 373-8027.

Sincerely,  
Craig DeRoche  
Speaker of the House

### 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 Thursday, January 13:

<b>Senate Bill Nos.</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, January 26:

<b>Senate Bill Nos.</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>36</b>	<b>37</b>	<b>38</b>	<b>39</b>	<b>40</b>	<b>41</b>
	<b>42</b>	<b>43</b>	<b>44</b>	<b>45</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>50</b>	<b>51</b>	<b>52</b>	<b>53</b>	<b>54</b>	<b>55</b>
	<b>57</b>	<b>58</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>	<b>67</b>	<b>68</b>	<b>69</b>	<b>70</b>
	<b>71</b>	<b>72</b>	<b>73</b>	<b>74</b>	<b>75</b>	<b>76</b>	<b>77</b>	<b>78</b>	<b>79</b>	<b>80</b>	<b>81</b>	<b>82</b>	<b>83</b>	

**Senate Joint Resolution**     **A**

The Clerk announced that the following bill had been printed and placed upon the files of the members on Thursday, January 27:

<b>Senate Bill No.</b>	<b>56</b>
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### Messages from the Governor

January 12, 2005

Gary Randall  
Clerk  
Michigan House of Representatives  
State Capitol, Room A-61  
Lansing, MI 48908-7514

Dear Mr. Randall:

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I am transmitting the following list of commutations granted during 2003 and 2004:

Santos Bernard – Sentenced on August 30, 1996, to two consecutive counts of five to 20 years for the crimes of conspiracy to deliver cocaine and delivery of cocaine – 50 to 224 grams. The commutation was granted for medical reasons and based on the affirmative recommendation of the Michigan Parole Board. The commutation was granted on March 24, 2003. Mr. Bernard died on June 12, 2004.

Lori Ann Shampo – Sentenced on August 17, 2001, to five to 20 years for the crime of armed robbery. The commutation was granted for medical reasons and was based on the affirmative recommendation of the Michigan Parole Board. The commutation was granted on October 31, 2003. Ms. Shampo died on November 14, 2003.

Maurice Henry Carter – Sentenced on June 28, 1976 to a minimum sentence of 80 years and a maximum sentence of life for the crime of assault to murder. The commutation was granted for medical reasons and based on the affirmative recommendation of the Michigan Parole Board. The commutation was granted on June 25, 2004. Mr. Carter died on October 24, 2004.

Richard Adam Nash – Sentenced on April 14, 1982 to a minimum sentence of 28 years and seven days to a maximum of life for the crime of armed robbery. The commutation was granted for medical reasons and based upon the affirmative recommendation of the Michigan Parole Board. The commutation was granted on September 16, 2004.

No pardons or reprieves were granted.

Respectfully,  
Jennifer M. Granholm  
Governor

The following message from the Governor was received January 14, 2005 and read:

**EXECUTIVE ORDER  
No. 2005 - 1**

**DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
DEPARTMENT OF MANAGEMENT AND BUDGET**

**STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**EXECUTIVE REORGANIZATION**

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, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 5 of Article XI of the Michigan Constitution of 1963 empowers the Civil Service Commission to fix rates of compensation for all classes of positions, to approve or disapprove all disbursements for personal services, to make rules and regulations covering all personnel transactions, and to regulate all conditions of employment in the state classified service;

WHEREAS, the People of the State of Michigan deserve a regulatory and administrative hearing process that is efficient, effective, understandable, and responsive;

WHEREAS, it is organizationally sound and appropriate to concentrate the review and legal certification of administrative rules and administrative hearing functions in one office;

WHEREAS, the centralization of state government functions relating to the processing and promulgation of administrative rules and the conduct of administrative hearings will eliminate unnecessary duplication and facilitate more effective implementation of policy;

WHEREAS, better coordination of administrative hearing functions can contribute to the development of expertise in the requisite areas of law and foster more extensive knowledge of relevant statutes, rules, governing court cases and precedent;

WHEREAS, improvements in the organization of state government are necessary to provide Michigan residents and job providers with improved delivery of state services;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

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**

A. As used in this Order:

1. “Civil Service Commission” means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963.

2. “Commissioner of Financial and Insurance Services” means the head of the Office of Financial and Insurance Services, created under Executive Order 2000-4, MCL 445.2003.

3. "Contested Case" means that term as defined in Section 3(3) of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.203.

4. "Department or Agency" includes each principal department of state government, an agency, a board, a commission, a tribunal, or other entity within the Executive Branch of state government. "Department or Agency" does not include the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, or the Executive Office of the Governor.

5. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

6. "Department of State" means the principal department of state government created under Section 25 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.125.

7. "Hearing Officer" means an individual who conducts or handles administrative hearings or administrative hearing functions for a Department or Agency, including, but not limited to, a hearing officer, hearings officer, hearing examiner, administrative law judge, or a presiding officer. "Hearing Officer" does not include an elected state official, a member of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

8. "Office of Regulatory Reform" means the entity created within the Executive Office of the Governor under Executive Order 1995-6, MCL 10.151, as codified within the Department of Management and Budget under Section 34 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.234 (as added by 1999 PA 262), transferred to the Executive Office of the Governor under Executive Order 2000-1, MCL 10.152, and re-transferred to the Department of Management and Budget under Executive Order 2002-11, MCL 10.153.

9. "State Office of Administrative Hearings and Rules" or "SOAHR" means the Type I Agency created within the Department of Labor and Economic Growth under Section II.

10. "Type I Agency" means an agency established consistent with Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

11. "Type III Transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

## **II. CREATION OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

A. The State Office of Administrative Hearings and Rules (SOAHR) is created as a Type I Agency within the Department of Labor and Economic Growth. The SOAHR shall be headed by a director known as the Executive Director of the State Office of Administrative Hearings and Rules. The appointing authority for the Executive Director of the SOAHR shall be the Governor. The Executive Director of the SOAHR shall administer the personnel functions of the SOAHR and be the appointing authority for employees of the SOAHR.

B. As a Type I Agency, the State Office of Administrative Hearings and Rules shall exercise its prescribed powers, duties, responsibilities, functions, and any rule-making, licensing and registration, including the prescription of any rules, rates, and regulations and standards, and adjudication independently of the Director of the Department of Labor and Economic Growth. The budgeting, procurement, and related management functions of the SOAHR shall be performed under the direction and supervision of the Director of the Department of Labor and Economic Growth.

C. The State Office of Administrative Hearings and Rules shall lead state efforts to continually evaluate policies and procedures for conducting administrative hearings and for the processing and review of administrative rules with the goal of developing best practices in these areas.

D. The State Office of Administrative Hearings and Rules shall provide services related to administrative hearing functions including, but not limited to, a Contested Case hearing, or the hearing portion of a Contested Case, for a Department or Agency affected by the transfers under Section III. To assure the timely and effective delivery of services related to administrative hearing functions, compliance with state and federal law, the promulgation of administrative rules, and the assignment of personnel to perform administrative hearing functions with expertise in the appropriate subject areas and the law, the SOAHR shall develop an interagency agreement relating to the provision of services with each principal department that includes a Department or Agency affected by the transfers under Section III.

E. Hearings conducted by the State Office of Administrative Hearings and Rules shall be conducted in an impartial manner. A Contested Case hearing, or the hearing portion of a Contested Case, conducted by the SOAHR shall be conducted in an impartial manner, as required under Section 79 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.279. On the filing in good faith by a party of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the SOAHR shall determine the matter as a part of the record in the case, and its determination shall be subject to judicial review at the conclusion of the proceeding. When a presiding officer is disqualified or it is impracticable for the officer to continue the hearing, another presiding officer may be assigned by the Executive Director of the SOAHR unless it is shown that substantial prejudice to the party will result therefrom.

F. A Hearing Officer of the State Office of Administrative Hearings and Rules may administer an oath or affirmation to a witness in a matter before the SOAHR, certify to official acts, and take depositions, in the same manner as

authorized under Section 74 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.274. To the extent authorized by law, a Hearing Officer of the SOAHR may issue a subpoena requiring a party or a witness to attend and testify at a hearing and to require the production of records.

G. The State Office of Administrative Hearings and Rules may only assign a Hearing Officer to perform administrative hearing functions for the Michigan Public Service Commission from a list of Hearing Officers approved by the Michigan Public Service Commission to perform administrative hearing functions for the Michigan Public Service Commission. If the Michigan Public Service Commission objects to the continued performance of administrative hearing functions by a Hearing Officer, the SOAHR shall remove the Hearing Officer from the list of Hearing Officers approved by the Michigan Public Service Commission. Personnel reviews of Hearing Officers performing administrative hearing functions for the Michigan Public Service Commission shall be conducted jointly by the SOAHR and the Michigan Public Service Commission or its designee from within the Commission. The Executive Director of the SOAHR shall be the appointing authority for Hearing Officers subject to this paragraph.

H. The State Office of Administrative Hearings and Rules may only assign a Hearing Officer to perform administrative hearing functions for the Michigan Employment Relations Commission from a list of Hearing Officers approved by the Michigan Employment Relations Commission to perform administrative hearing functions for the Michigan Employment Relations Commission. If the Michigan Employment Relations Commission objects to the continued performance of administrative hearing functions by a Hearing Officer, the SOAHR shall remove the Hearing Officer from the list of Hearing Officers approved by the Michigan Employment Relations Commission. The Executive Director of the SOAHR shall be the appointing authority for Hearing Officers subject to this paragraph.

I. At the request of a Department or Agency not affected by the transfers under Section III, the SOAHR may provide services related to administrative hearing functions, including, but not limited to, a Contested Case hearing, or the hearing portion of a Contested Case, and related functions under an interagency agreement between the SOAHR and the Department or Agency.

### **III. TRANSFER OF ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL**

A. Except as otherwise provided in Sections II.G, II.H, and IV, all authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources of a Department or Agency involved in any of the following activities related to administrative hearing functions are transferred to the State Office of Administrative Hearings and Rules:

1. The conduct or handling of administrative hearings by a Hearing Officer, including, but not limited to, a Contested Case hearing or the hearing portion of a Contested Case, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2. The designation, authorization, appointment, or selection of Hearing Officers.

3. The development, writing, and submission of any proposal for decision or report following an administrative hearing by a Hearing Officer.

4. The functions related to administrative hearings performed by a Hearing Officer or other individual such as staff support for hearings or Hearing Officers, or the management or administration of hearings or Hearing Officers.

### **IV. ADMINISTRATIVE HEARING FUNCTIONS AND PERSONNEL NOT SUBJECT TO TRANSFER**

A. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources related to the appeal, review of, or final determination regarding a decision or proposed decision issued by a Hearing Officer for a Department or Agency shall remain with the Department or Agency, and are not transferred under Section III.

B. No authority, powers, duties, functions, responsibilities, property, records, personnel, or funds held by the Civil Service Commission solely under the authority granted to the Commission by Section 5 of Article XI of the Michigan Constitution of 1963 are transferred under Section III, unless approved by the Civil Service Commission.

C. The authority, powers, duties, functions, responsibilities, rule-making authority, personnel, equipment, and budgetary resources involved in any of the following activities related to administrative hearing functions are not transferred to the State Office of Administrative Hearings and Rules under Section III:

1. Hearings conducted by an elected state officer, a member or members of a board, commission, or tribunal appointed by the Governor, or other state officer or employee appointed by the Governor.

2. An informal conference not subject to the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, under Michigan law.

3. Any hearings conducted by the State Administrative Board or a committee of the State Administrative Board.

4. Hearings conducted by hearings officers under Part 5 of The Nonprofit Health Care Corporation Reform Act, 1980 PA 350, MCL 550.1501 to 550.1518.

5. Hearings conducted by independent hearings officers selected by the Commissioner of Financial and Insurance Services from a list submitted by the American Arbitration Association under Subsection (3) of Section 2030 of The Insurance Code of 1956, 1956 PA 218, MCL 500.2030.

6. Administrative hearings conducted by the Department of State under any of the following:

- a. 1978 PA 472, MCL 4.411 to 4.431 (lobbyists, lobbying agents, and lobbying activity).

- b. The Michigan Notary Public Act, 2003 PA 238, MCL 55.261 to 55.315.
- c. The Michigan Election Law, 1954 PA 116, MCL 168.1 to 168.992.
- d. The Michigan Campaign Finance Act, 1976 PA 388, MCL 169.201 to 169.282.
- e. The Driver Education and Training Schools Act, 1974 PA 369, MCL 256.601 to 256.612.
- f. The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923.
- g. The Motor Vehicle Service and Repair Act, 1974 PA 300, MCL 257.1301 to 257.1340.
- h. Section 80190 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80190 (marine safety).
- i. Section 81140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81140 (off-road recreation vehicles).
- j. Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160 (snowmobiles).

#### **V. TRANSFER OF ADMINISTRATIVE RULE PROCESSING AND REVIEW FUNCTIONS**

A. All authority, powers, duties, functions, responsibilities, and rule-making authority of the Office of Regulatory Reform are transferred by Type III Transfer to the State Office of Administrative Hearings and Rules created under Section II, including, but not limited to, any authority, powers, duties, functions, responsibilities, or rule-making authority of the Office of Regulatory Reform under any of the following:

- 1. The Administrative Procedures Act, 1969 PA 306, MCL 24.201 to 24.328.
- 2. 1970 PA 193, MCL 8.41 to 8.48 (compilation of laws and rules).
- 3. The Legislative Council Act, 1986 PA 268, MCL 4.1101 to 4.1901.
- 4. Executive Order 1995-6, MCL 10.151.
- 5. Executive Order 2000-1, MCL 10.152.
- 6. Executive Order 2002-11, MCL 10.153.

B. The position of Administrative Rules Manager is created within the State Office of Administrative Hearings and Rules. The powers, duties, functions, responsibilities, and rule-making authority transferred under this Section V shall be administered within the SOAHR under the direction of the Administrative Rules Manager.

C. The Director of the Department of Labor and Economic Growth, in consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of all transfers to the State Office of Administrative Hearings and Rules under this Section V.

D. The Director of the Department of Management and Budget shall immediately initiate coordination with the Department of Labor and Economic Growth to facilitate the transfers and develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Management and Budget or the Office of Regulatory Reform related to the transfers under this Section V.

E. The Office of Regulatory Reform is abolished.

#### **VI. MISCELLANEOUS**

A. An individual designated by the Governor as the Administrative Hearing Consolidation Transition Director shall be responsible for coordination of the implementation of Section III. The Administrative Hearing Consolidation Transition Director and the director of each principal department that includes a Department or Agency affected by this Order shall jointly identify the positions that will be transferred to the State Office of Administrative Hearings and Rules under Section III, consistent with this Order. The Administrative Hearing Consolidation Transition Director and the director of each principal department that includes a Department or Agency affected by this Order shall make every effort to develop agreements specifying the positions that will be transferred under Section III by the effective date of this Order. In the event of a failure to reach agreement on the positions to be transferred under Section III, the Administrative Hearing Consolidation Transition Director shall develop a written recommendation specifying the positions to be transferred and submit the recommendation to the Governor for consideration and approval. All transfers to the SOAHR shall be consistent with this Order and documented by a memorandum of understanding between the director of the principal department that includes a Department or Agency affected by this Order and the Director of the Department of Labor and Economic Growth.

B. The Administrative Hearing Consolidation Transition Director, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers to the State Office of Administrative Hearings and Rules under Section III.

C. The Administrative Hearing Consolidation Transition Director, in consultation with the Director of the Department of Labor and Economic Growth, shall immediately initiate coordination with Departments and Agencies to facilitate the transfers under Section III. Each principal department that includes a Department or Agency affected by the transfers under Section III shall issue, after consultation with the Administrative Hearings Consolidation Transition Director, a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the transferring departments and agencies related to the transfers under Section III.

D. Departments and Agencies and state officers shall fully and actively cooperate with the State Office of Administrative Hearings and Rules and the Administrative Hearings Consolidation Transition Director in the implementation of this Order. The Executive Director of the SOAHR may request the assistance of other Departments and Agencies and state officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and such departments and agencies shall provide such assistance.

E. The Executive Director of the State Office of Administrative Hearings and Rules shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

F. The Executive Director of the State Office of Administrative Hearings and Rules in writing may delegate within the SOAHR a duty or power conferred on the Executive Director of the SOAHR by this Order or by other law, and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the duty or power is delegated by the Executive Director of the SOAHR.

G. The Executive Director of the State Office of Administrative Rules, or his or her designee, may hire or retain such contractors, subcontractors, advisors, consultants, and agents as the Executive Director may deem advisable and necessary, in accordance with the relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget, and may make and enter into contracts necessary or incidental to the exercise of powers and performance of the duties of the SOAHR and its Executive Director. Under this provision, the Executive Director of the SOAHR, or his or her designee, may specifically hire or retain such contractors, sub-contractors, advisors, consultants, and agents as the Executive Director may deem advisable and necessary to provide legal advice, legal services, arbitration services or mediation services, to provide for research and development activity, and to provide strategic planning services, in accordance with the relevant law and the procedures, rules, and regulations of the Civil Service Commission and the Department of Management and Budget.

H. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred under this Order to the State Office of Administrative Hearings and Rules are transferred to the State Office of Administrative Hearings and Rules.

I. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this Order.

J. All rules, orders, contracts, and agreements relating to the functions transferred to the State Office of Administrative Hearings and Rules under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

K. 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. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

L. After the effective date of this Order, and as necessary to accomplish the missions and goals of executive branch departments and agencies, the Executive Director of the State Office of Administrative Hearings and Rules or the director of a principal department of state government may petition the State Administrative Board to detail an employee or a position transferred to the SOAHR from a department under the provisions of this Section III back to the department of origin, or a successor department. Consistent with the authority of the State Administrative Board under Section 3 of 1921 PA 2, MCL 17.3, to exercise general supervisory control over the functions and activities of all administrative departments, boards, commissions, and officers of this state and to order an interchange or transfer of employees between departments, boards, commissions, and state institutions when necessary, the State Administrative Board may, in its discretion and to the extent authorized by law, order the requested transfer.

M. Nothing in this Order shall be construed to diminish or limit the power of the Civil Service Commission to exercise authority granted to the Commission under Section 5 of Article XI of the Michigan Constitution of 1963.

N. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective March 27, 2005 at 12:00 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of January, 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.

The following message from the Governor was received January 14, 2005 and read:

**EXECUTIVE ORDER**  
**No. 2005 - 2**

**DEPARTMENT OF INFORMATION TECHNOLOGY**  
**DEPARTMENT OF STATE POLICE**

**MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM**

**EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor;  
WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 1 of 1929 PA 152, MCL 28.281, the Michigan Public Safety Communications System is Michigan's 800-megahertz radio system and telecommunications network, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and maintenance of the Michigan Public Safety Communications System;

WHEREAS, under Section 2 of 1929 PA 152, MCL 28.282, the Director of the Department of State Police and the Director of the Department of Management and Budget were given responsibility for the construction, implementation, operation, and maintenance of the Michigan Public Safety Communications System;

WHEREAS, all of the powers, duties, functions, responsibilities, personnel, equipment and budgetary resources involved in or related to the provision of information technology services located within any executive branch department or agency, including the Michigan Public Safety Communications System, were transferred by Executive Order 2001-3, MCL 18.41, to the Department of Information Technology;

WHEREAS, Executive Order 2001-3 was implemented in such a way that the Department of Information Technology currently provides technical management services for the Michigan Public Safety Communications System infrastructure pursuant to the Michigan State Police's public safety policy and program direction and that the Department of Management and Budget has authority with respect to MPSCS-related real estate and procurement matters under The Management and Budget Act, 1984 PA 431, MCL 18.1101 to 18.1594, and Section 2(1) of 1929 PA 152, MCL 28.282(1);

WHEREAS, the consolidation of functions related to the Michigan Public Safety Communications System will contribute to a more unified and cost-effective approach for managing information technology among all executive branch departments and agencies, provide consistent professional management of this state's information technology resources, and aid the effective operation and maintenance of the Michigan Public Safety Communications System for police and public safety purposes;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

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**

A. "Department of State Police" means the principal department created under Section 2 of 1935 PA 59, MCL 28.2; and under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

B. "Department of Management and Budget" means the principal department created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Department of Information Technology" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

D. "Michigan Public Safety Communications System" or "MPSCS" means Michigan's 800-megahertz radio system and telecommunications network, including all real and personal property, towers, buildings, equipment, and other related facilities and fixtures necessary for the operation and maintenance of the MPSCS established under Section 1 of 1929 PA 152, MCL 28.281.

**II. TRANSFER OF RESPONSIBILITIES AND FUNCTIONS RELATED TO THE MICHIGAN PUBLIC SAFETY COMMUNICATIONS SYSTEM**

A. Except for the statutory authority, powers, duties, functions, and responsibilities of the Department of State Police under Section 3(1) of 1929 PA 152, MCL 28.283(1), all the statutory authority, powers, duties, functions, and responsibilities of the Department of State Police under 1929 PA 152, MCL 28.281 to 28.283, are transferred to the Department of Information Technology.



B. The transfer of authority, powers, duties, functions, and responsibilities to the Department of Information Technology includes authority related to or necessary to implement the transfer of authority, powers, duties, functions, and responsibilities under this Order. The Department of Management and Budget shall continue to exercise its authority with respect to MPSCS-related real estate and procurement matters under The Management and Budget Act, 1984 PA 431, MCL 18.1101 to 18.1594, and Section 2(1) of 1929 PA 152, MCL 28.282(1).

C. Exercise of the authority, powers, duties, functions, and responsibilities transferred to the Department of Information and Technology under this Order, shall include, but not be limited to, all of the following duties and responsibilities related to public safety communications and interoperability:

1. Promotion of seamless, coordinated, and integrated public safety wireless communications within Michigan, the Great Lakes region, and nationally, for the safe, effective, and efficient protection of life and property.

2. Promotion, coordination, and administration of available state and federal funding.

3. Promotion, coordination, and administration of the efficient use of radio spectrum standards-based technology and appropriate security measures for the betterment of public safety wireless communications in Michigan.

4. Planning for and coordination of public safety wireless interoperability among local, state, tribal, and federal wireless networks in Michigan for public safety purposes.

5. Monitoring, making recommendations, and reporting to the Governor and the Legislature on necessary changes in the statutory, regulatory, fiscal, and technical environment to ensure the continued development of up-to-date interoperability solutions in the interests of public safety and homeland security.

### **III. IMPLEMENTATION**

A. The Directors of the Department of Information Technology, Department of Management and Budget, and the Department of State Police shall immediately initiate coordination to facilitate the implementation of the transfers under this Order.

B. The Director of the Department of Information Technology, after consultation with the Directors of the Department of Management and Budget and the Department of State Police, shall provide executive direction and supervision for the implementation of the transfers to the Department of Information Technology under this Order. The functions transferred shall be administered under the direction and supervision of the Director of the Department of Information Technology, including but not limited to, any prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

C. All records, personnel, property, and funds used, held, employed, available, or to be made available to the Departments of State Police, for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department of Information Technology.

D. The Directors of the Department of Michigan State Police and the Department of Information Technology shall develop a memorandum of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the Department of State Police.

E. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Director of the Department of Information Technology.

F. The Director of the Department of Information Technology may perform a duty or exercise a power conferred by law or executive order upon the Director at the time and to the extent the duty or power is delegated to the Director by law or order.

G. The Director of the Department of Information Technology may by written instrument delegate within the Department of Information Technology a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Information Technology.

H. The Director of the Department of Information Technology shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

### **IV. MISCELLANEOUS**

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system related to this Order for the remainder of the fiscal year.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. This Order shall not be construed to impair a bond or debt obligation of the State Building Authority issued under 1964 PA 183, MCL 830.411 to 830.425.

D. 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. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

E. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order are effective March 27, 2005 at 12:00 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 14th day of January, in the year of our Lord, two thousand and five.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

### Communications from State Officers

The following communication from the Auditor General was received and read:

January 11, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Performance audit of the Traffic and Safety Support Area, Bureau of Highway Delivery,  
Department of Transportation  
January 2005

Sincerely,

Thomas H. McTavish, C.P.A.

Auditor General

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

The following communications from the Secretary of State were received and read:

#### Notices of Filing Administrative Rules

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:56 A.M. this date, administrative rule (05-01-01) for the Department of Community Health, Director's Office entitled "*Board of Optometry - General Rules*", effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 11:58 A.M. this date, administrative rule (05-01-02) for the Department of Community Health, Director's Office entitled "*Board of Medicine - General Rules*", effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:00 P.M. this date, administrative rule (05-01-03) for the Department of Community Health, Director's Office entitled "*Board of Osteopathic Medicine and Surgery - General Rules*", effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:02 P.M. this date, administrative rule (05-01-04) for the Department of Labor and Economic Growth, Director's Office entitled "*Part 7. Welding and Cutting*", effective 7 days after filing with the Secretary of State.

January 12, 2005

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 12:04 P.M. this date, administrative rule (05-01-05) for the Department of Labor and Economic Growth, Director's Office entitled "*Carnival and Amusement Safety*", effective 7 days after filing with the Secretary of State.

Sincerely,  
Terri Lynn Land  
Secretary of State  
Robin Houston, Office Supervisor  
Office of the Great Seal

The communications were referred to the Clerk.

### Introduction of Bills

Reps. Caul, Brown and Ball introduced

**House Bill No. 4001, entitled**

A bill to establish an undergraduate tuition waiver program for children of certain deceased or disabled members of the armed forces of the United States; to provide for the administration of the tuition waiver program; to prescribe certain powers and duties of certain state officers, agencies, and departments; and to repeal acts and parts of acts.

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

Reps. Moore, Vander Veen, Brown and Ball introduced

**House Bill No. 4002, entitled**

A bill to amend 1946 (1st Ex Sess) PA 9, entitled "An act to create the Michigan veterans' trust fund, and to define who shall be eligible to receive assistance therefrom; to provide for the disbursement of the income thereof and surplus therein; to create a board of trustees, and to prescribe its powers and duties; to provide for county and district committees, and their powers, duties, and expenses; to prescribe penalties; and to make appropriations to carry out the provisions of this act," by repealing sections 1a, 1b, 1c, 1e, and 1f (MCL 35.601a, 35.601b, 35.601c, 35.601e, and 35.601f).

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

Rep. Caswell introduced

**House Bill No. 4003, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2003 PA 274.

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

Rep. Caswell introduced

**House Bill No. 4004, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83.

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

Rep. Caswell introduced

**House Bill No. 4005, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 626 (MCL 380.626).

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

Rep. Caswell introduced

**House Bill No. 4006, entitled**

A bill to permit certain individuals to be diverted from the court system having jurisdiction over certain offenses; to establish diversion criteria and procedures; to require certain records to be made and kept; to prescribe certain powers and duties of courts having jurisdiction over certain offenses and of law enforcement agencies; and to prescribe certain remedies.

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

Rep. Caswell introduced

**House Bill No. 4007, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 901 (MCL 339.901), as amended by 1981 PA 83.

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

Rep. Caswell introduced

**House Bill No. 4008, entitled**

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

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

Rep. Accavitti introduced

**House Bill No. 4009, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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

Rep. Accavitti introduced

**House Bill No. 4010, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Rep. Accavitti introduced

**House Bill No. 4011, entitled**

A bill to provide for the certification of job skills training programs; to prescribe powers and duties of certain state departments; and to provide for the promulgation of rules.

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

Reps. Meyer and Jones introduced

**House Bill No. 4012, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 4 and 16 (MCL 125.2154 and 125.2166), section 4 as amended by 2000 PA 248.

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

Reps. Meyer and Jones introduced

**House Bill No. 4013, entitled**

A bill to amend 1980 PA 450, entitled "The tax increment finance authority act," by amending sections 3 and 17 (MCL 125.1803 and 125.1817), section 3 as amended by 1983 PA 148.

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

Rep. Kahn introduced

**House Bill No. 4014, entitled**

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2003 PA 76.

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

Rep. Kahn introduced

**House Bill No. 4015, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9702. The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Kahn introduced

**House Bill No. 4016, entitled**

A bill to provide for the approval of certain contracts and rates involving the operation of certain water and sewer systems; to require certain policies and procedures in the awarding of contracts and approving of rates; to provide for the powers and duties of certain governmental officials and entities; and to provide for remedies.

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

Rep. Kahn introduced

**House Bill No. 4017, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17757 and 17757a (MCL 333.17757 and 333.17757a), section 17757 as amended by 1986 PA 304 and section 17757a as amended by 1993 PA 305, and by adding section 17753.

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

Rep. Kahn introduced

**House Bill No. 4018, entitled**

A bill to allow certain prescription drug manufacturers and labelers to enter into rebate agreements with the department of community health; to establish a discount prescription drug program for certain individuals; to allow certain retail pharmacies to offer certain discounts; to create certain funds; to prescribe certain powers and duties of certain state agencies and departments; and to provide for the promulgation of rules.

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

Rep. Kahn introduced

**House Bill No. 4019, entitled**

A bill entering into the midwest pharmaceutical compact; and for related purposes.

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

Rep. Kahn introduced

**House Bill No. 4020, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3157 (MCL 500.3157).

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

Rep. Kahn introduced

**House Bill No. 4021, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Rep. Stewart introduced

**House Bill No. 4022, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 1996 PA 476.

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

Rep. Stewart introduced

**House Bill No. 4023, entitled**

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

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

Rep. Stewart introduced

**House Bill No. 4024, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 74103a.

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

Rep. Stewart introduced

**House Bill No. 4025, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8507 (MCL 600.8507), as amended by 1994 PA 5.

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

Rep. Stewart introduced

**House Bill No. 4026, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b.

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

Rep. Stewart introduced

**House Bill No. 4027, 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 7 (MCL 207.557), as amended by 1996 PA 513.

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

Rep. Vagnozzi introduced

**House Bill No. 4028, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 636a.

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

Rep. Vagnozzi introduced

**House Bill No. 4029, entitled**

A bill to create the Michigan opportunity scholarship program; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

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

Rep. Vagnozzi introduced

**House Bill No. 4030, entitled**

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending sections 1i, 13, and 55 (MCL 38.1i, 38.13, and 38.55), sections 1i and 55 as amended by 2004 PA 33 and section 13 as amended by 2002 PA 743, and by adding section 61a.

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

Rep. Vagnozzi introduced

**House Bill No. 4031, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2210 (MCL 500.2210), as amended by 1998 PA 222.

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

Rep. Whitmer introduced

**House Bill No. 4032, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 628 (MCL 257.628), as amended by 2003 PA 65.

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

Rep. Whitmer introduced

**House Bill No. 4033, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 5502a.

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

Rep. Whitmer introduced

**House Bill No. 4034, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3112 and 5510 (MCL 324.3112 and 324.5510), section 3112 as amended by 2004 PA 91.

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

Reps. Lipsey, Bieda and Kolb introduced

**House Bill No. 4035, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17205.

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

Reps. Lipsey, Bieda and Kolb introduced

**House Bill No. 4036, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17207.

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

Reps. Condino, Bieda and Alma Smith introduced

**House Bill No. 4037, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9171.

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

Reps. Sheen, Jones, Hoogendyk, Drolet, Gosselin, Brandenburg, Pastor, Stakoe, Marleau, Shaffer, Hildenbrand, Van Regenmorter, Pavlov, Caswell, Gaffney, Gleason and Robertson introduced

**House Bill No. 4038, entitled**

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

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

Reps. Sheen, Hoogendyk, Drolet, Brandenburg, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Pavlov and Gaffney introduced

**House Bill No. 4039, entitled**

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending section 33 (MCL 552.633), as amended by 2004 PA 206.

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

Reps. Sheen, Jones, Hoogendyk, Drolet, Acciavatti, Gosselin, Brandenburg, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Van Regenmorter, Pavlov, Gaffney and Robertson introduced

**House Bill No. 4040, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Reps. Sheen, Jones, Hoogendyk, Drolet, Gosselin, Acciavatti, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Van Regenmorter, Pavlov, Caswell, Gaffney and Robertson introduced

**House Bill No. 4041, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3716 (MCL 500.3716), as added by 2003 PA 88.

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

Reps. Sheen, Jones, Hoogendyk, Nofs, Drolet, Acciavatti, Gosselin, Brandenburg, Pastor, Stakoe, Marleau, Elsenheimer, Shaffer, Hildenbrand, Schuitmaker, Pavlov, Caswell, Brown, Gleason and Robertson introduced

**House Bill No. 4042, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 51 (MCL 28.4251), as amended by 2002 PA 719.

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

Reps. Lemmons, Jr. and Lemmons, III introduced

**House Bill No. 4043, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

Reps. Lemmons, Jr. and Lemmons, III introduced

**House Bill No. 4044, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21788. The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Lemmons, Jr. and Lemmons, III introduced

**House Bill No. 4045, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411u. The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Lemmons, Jr. introduced

**House Bill No. 4046, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 4 (MCL 408.384), as amended by 1997 PA 2.

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

Rep. Lemmons, Jr. introduced

**House Bill No. 4047, entitled**

A bill to amend 1964 PA 154, entitled "Minimum wage law of 1964," by amending section 7a (MCL 408.387a), as amended by 1997 PA 1.

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



Reps. Lemmons, Jr. and Lemmons, III introduced

**House Bill No. 4048, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110c.

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

Reps. Lemmons, III, Lemmons, Jr., Meisner, Vagnozzi, Accavitti, Virgil Smith, Murphy, Farrah, Hopgood, Waters, Phillips and Steil introduced

**House Bill No. 4049, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1561 and 1596 (MCL 380.1561 and 380.1596), section 1561 as amended by 1996 PA 339.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

**House Bill No. 4050, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," (MCL 791.201 to 791.283) by adding section 69b.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

**House Bill No. 4051, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

**House Bill No. 4052, entitled**

A bill to prohibit the sale of cellular telephones and pagers to certain minors without written parental consent; and to prescribe civil sanctions.

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

Reps. Tobocman and Hunter introduced

**House Bill No. 4053, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

Rep. Bieda introduced

**House Bill No. 4054, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1312 (MCL 600.1312), as amended by 2004 PA 12.

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

Rep. Hansen introduced

**House Bill No. 4055, 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.

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

Rep. Mayes introduced

**House Bill No. 4056, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 726 (MCL 168.726) and by adding sections 38, 726a, and 726b.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections and Ethics.

Rep. Mayes introduced

**House Bill No. 4057, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 2004 PA 19.

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

Rep. Lipsey introduced

**House Bill No. 4058, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending the heading of part 172 and sections 17201, 17202, and 17203 (MCL 324.17201, 324.17202, and 324.17203), as added by 2002 PA 578, and by adding section 17206.

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

Rep. Cheeks introduced

**House Bill No. 4059, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1171.

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

Rep. Cheeks introduced

**House Bill No. 4060, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Rep. Jones introduced

**House Bill No. 4061, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 951 (MCL 168.951), as amended by 1993 PA 45.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections and Ethics.

Rep. Jones introduced

**House Bill No. 4062, entitled**

A bill to amend 1895 PA 161, entitled "An act to require county treasurers to furnish transcripts and abstracts of records, and fixing the fees to be paid therefor," by amending section 1 (MCL 48.101), as amended by 1984 PA 291.

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

Rep. Jones introduced

**House Bill No. 4063, 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.

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

Rep. Caswell introduced

**House Bill No. 4064, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630).

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

Rep. Caswell introduced

**House Bill No. 4065, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 27a (MCL 211.27a), as amended by 2000 PA 260.

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

Rep. Schuitmaker introduced

**House Bill No. 4066, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74116 (MCL 324.74116), as added by 1995 PA 58.

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

Rep. Schuitmaker introduced

**House Bill No. 4067, entitled**

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 364.

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

Rep. Schuitmaker introduced

**House Bill No. 4068, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding section 7jj.

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

Rep. Schuitmaker introduced

**House Bill No. 4069, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

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

Rep. Vagnozzi introduced

**House Bill No. 4070, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 520 and 522 (MCL 206.520 and 206.522), section 520 as amended by 1995 PA 245 and section 522 as amended by 2000 PA 41.

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

Rep. Hildenbrand introduced

**House Bill No. 4071, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by amending the title, as amended by 1996 PA 434, and by adding sections 43540a and 43540c.

The bill was read a first time by its title and referred to the Committee on Conservation, Forestry and Outdoor Recreation.

Rep. Hildenbrand introduced

**House Bill No. 4072, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

Rep. Hildenbrand introduced

**House Bill No. 4073, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 7dd, 7ee, 10, 24, 24c, 27a, 27b, 27c, 34, 34c, and 34d (MCL 211.7dd, 211.7ee, 211.10, 211.24, 211.24c, 211.27a, 211.27b, 211.27c, 211.34, 211.34c, and 211.34d), section 7dd as amended by 2003 PA 140, sections 7ee and 24c as amended by 2003 PA 247, section 10 as amended by 1994 PA 415, sections 24 and 34c as amended by 2002 PA 620, section 27a as amended by 2000 PA 260, sections 27b and 34d as amended and section 27c as added by 1996 PA 476, and section 34 as amended by 1986 PA 105, and by adding section 27e; 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.

Rep. Caswell introduced

**House Bill No. 4074, entitled**

A bill to amend 1967 PA 156, entitled "Optional retirement act of 1967," by amending section 2 (MCL 38.382), as amended by 1994 PA 296.

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

Rep. Caswell introduced

**House Bill No. 4075, 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. Accavitti introduced

**House Bill No. 4076, 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 14.

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

Rep. Accavitti introduced

**House Bill No. 4077, entitled**

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 14.

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

Reps. Palmer and Elsenheimer introduced

**House Bill No. 4078, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 501, 502, 503, 504, and 507 (MCL 380.501, 380.502, 380.503, 380.504, and 380.507), section 501 as amended by 2003 PA 179, sections 502 and 507 as amended by 1995 PA 289, section 503 as amended by 2003 PA 299, and section 504 as amended by 1994 PA 416, and by adding section 1320.

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

Reps. Palmer, Elsenheimer, Hummel, Moolenaar, Drolet, Garfield, Gosselin, Hoogendyk, Hildenbrand, Sheen, Jones, Acciavatti and Proos introduced

**House Bill No. 4079, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1290.

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

Reps. Palmer, Elsenheimer, Hummel, Moolenaar, Drolet, Garfield, Gosselin, Hoogendyk, Hildenbrand, Sheen, Jones, Acciavatti and Proos introduced

**House Bill No. 4080, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 9.

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

Rep. Cheeks introduced

**House Bill No. 4081, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2111 (MCL 500.2111), as amended by 2002 PA 492.

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

Reps. Lemmons, III and Lemmons, Jr. introduced

**House Joint Resolution A, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 54 of article IV, to modify term limits for certain elected state offices.

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

Rep. Hildenbrand introduced

**House Joint Resolution B, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 3 of article IX, to restrict the assessment of agricultural real property used in agricultural operations.

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

**Announcements by the Clerk**

Following is a listing of the schedule of Standing Committees for the 2005-2006 Legislative Session:

Call of the Chair		House Appropriations	351 Capitol Building
Tuesdays	9:00 a.m.	Regulatory Reform	308 House Office Building
		Senior Health, Security, and Retirement	327 House Office Building
		Transportation	307 House Office Building
	10:30 a.m.	Commerce	519 House Office Building
		Government Operations	326 House Office Building
		Health Policy	521 House Office Building
	2:00 p.m. or after	committees are given leave by the House to meet, whichever time is later	
		Banking and Financial Services	307 House Office Building
		Employment Relations, Training, and Safety	308 House Office Building
		Higher Education	326 House Office Building
		Veterans Affairs and Homeland Security	327 House Office Building
Wednesdays	9:00 a.m.	Energy and Technology	519 House Office Building
		House Oversight, Elections, and Ethics	326 House Office Building
		Tax Policy	521 House Office Building
	10:30 a.m.	Education	307 House Office Building
		Judiciary	308 House Office Building
	2:00 p.m. or after	committees are given leave by the House to meet, whichever time is later	
		Family and Children Services	326 House Office Building
		Local Government and Urban Policy	307 House Office Building
Thursdays	9:00 a.m.	Conservation, Forestry, and Outdoor Recreation	327 House Office Building
		Insurance	521 House Office Building
		Natural Resources, Great Lakes, Land Use, and Environment	308 House Office Building
	11:00 a.m. or after	committees are given leave by the House to meet, whichever time is later	
		Agriculture	307 House Office Building

Rep. Wojno moved that the House adjourn.  
The motion prevailed, the time being 12:15 p.m.

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

GARY L. RANDALL  
Clerk of the House of Representatives

