

No. 48
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, May 31, 2005.

1:00 p.m.

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

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

Accavitti—present	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—excused	Schuitmaker—present
Anderson—present	Gaffney—present	Marleau—present	Shaffer—present
Angerer—present	Garfield—present	Mayes—present	Sheen—present
Ball—present	Gillard—present	McConico—present	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—present	Gonzales—present	Meisner—present	Smith, Virgil—present
Bieda—present	Gosselin—present	Meyer—present	Spade—present
Booher—present	Green—present	Miller—present	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—present	Hildenbrand—present	Moore—present	Steil—present
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—present
Casperson—present	Hopgood—present	Newell—present	Tobocman—present
Caswell—present	Huizenga—present	Nitz—present	Vagnozzi—present
Caul—present	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—excused	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—present	Palsrok—present	Walker—present
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—excused	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. Jerry Kooiman, from the 75th District, offered the following invocation:

“Dear Lord, as we pause to acknowledge You today, we want to thank You for the many blessings You provide every moment of every day. We thank You for meeting our daily physical needs. We thank You for our families and friends.

We thank You for the freedoms and liberty we enjoy – and for those who have fought to protect those freedoms. We remember those who lost their lives in that effort. And we thank You for the opportunity we have to serve the citizens of Michigan in this chamber. We pray, Lord that You bless the work You have ordained for us to do.

We pray for physical strength and for strength of character. We pray for patience and humility. We pray that You would give us guidance and direction and we pray for the courage to do what is right.

In Thy name we pray. Amen.”

Rep. Sak moved that Rep. Phillips be excused from today’s session.
The motion prevailed.

Rep. Sak moved that Reps. Cheeks and Lipsey be excused from this week’s session.
The motion prevailed.

Motions and Resolutions

Reps. Anderson, Sheltroun, Williams, Kathleen Law, Waters, Gonzales, Hopgood, Kolb, Plakas, Gleason, Byrnes, Accavitti, Kehrl, Brown, Stahl, Whitmer, Leland, Lipsey, Clemente, Zelenko, Sak, Lemmons, III, Ball, Byrum, Clack, Condino, Cushingberry, Dillon, Espinoza, Farrah, Garfield, Gillard, Kahn, Lemmons, Jr., Mayes, McConico, McDowell, Miller, Murphy, Palsrok, Pavlov, Polidori, Schuitmaker, Virgil Smith, Spade, Tobocman, Vagnozzi and Wojno offered the following resolution:

House Resolution No. 79.

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

Whereas, With alarming swiftness, the Emerald Ash Borer (EAB), an aggressive Asian insect, is threatening virtually all of the ash trees in the state of Michigan and surrounding region. In spite of the quarantine in 20 Michigan counties, this beetle has killed or damaged approximately 15 million ash trees in the state. Overall, the EAB, an invasive specie, is causing similar devastation in the states of Ohio and Indiana, as well as the Canadian province of Ontario, threatening as many as 700 million ash trees in our state and 8 billion in North America; and

Whereas, Ash trees are very important to the ecology, economy, and environment of our state and the nation. Ash trees are used for many products in several sectors of business. Beyond these factors, the ash trees that grace our communities and neighborhoods are beloved shade trees that contribute enormously to the character and beauty of Michigan, the region, and the nation; and

Whereas, Governor Granholm is working to secure continued assistance from the federal government to deal swiftly with this devastating pest. Michigan needs sustained technical and financial assistance to face this emergency. The state has taken decisive actions to address this invasive specie, but the magnitude of the problem and the immediacy of the issue make it clear we need the prompt assistance of Congress and the USDA; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States and the United States Department of Agriculture (USDA) to provide assistance in the effort to mitigate the infestation of the Emerald Ash Borer; and be it further

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

The resolution was referred to the Committee on Agriculture.

Reps. LaJoy, Gaffney, Pastor, Stewart, Plakas, Hopgood and Tobocman offered the following resolution:

House Resolution No. 80.

A resolution to support the Community Development Block Grant program.

Whereas, The Community Development Block Grant (CDBG) program was enacted and signed into law by President Gerald Ford as the centerpiece of the Housing and Community Development Act of 1974. The CDBG program has as

its primary objective "...the development of viable urban communities, by providing decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low and moderate income"; and

Whereas, The CDBG program has considerable flexibility to allow communities to carry out activities that are tailored to their unique affordable housing, public service, and neighborhood revitalization needs. In the State of Michigan and states throughout the nation, thirty years of Community Development Block Grant funding has developed a strong network of relationships between the State of Michigan, local governments, residents, and the many non-profit agencies that provide services and help make possible our commitment to our neighborhoods and communities; and

Whereas, The Community Development Block Grant program is a partnership of federal, state, local government, business, non-profit, and community efforts. The services funded by local non-profit organizations rely heavily on the dedication and good will of our combined efforts to provide low and moderate income residents with high quality and effective services; and

Whereas, The FY 2006 Executive Budget proposes the elimination of the Community Development Block Grant program and transfer of CDBG and several other community development programs to the Department of Commerce. Should the proposal be implemented, communities in Michigan would lose \$150 million a year in CDBG funds for community development programs from the federal government and close to \$500 million in total development leveraged by CDBG funds for infrastructure, public services, housing improvements, housing rehabilitation, and public facilities that revitalize neighborhoods and serve low- and moderate-income residents, including seniors; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body support the Community Development Block Grant (CDBG) program and its continued administration by the U. S. Department of Housing and Urban Development. The Michigan House of Representatives hereby petitions the U. S. Congress and the administration to recognize the outstanding work being done locally and nationally by the CDBG program, and its vital importance to the community and to the people who live in its lower-income neighborhoods, and to strongly oppose any proposal to eliminate the Community Development Block Grant program; and be it further

Resolved, That copies of this resolution be conveyed to the appropriate elected and appointed officials of the federal government, and that the Michigan House of Representatives be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant program and maintenance of its essential features over the course of this, and the next session of Congress.

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 4555, entitled

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

for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10k (MCL 247.660k), as amended by 1982 PA 438.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Nitz, Wenke, Pavlov, Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 4740, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 76.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, Gosselin, Casperson, Nitz, Wenke, Pavlov, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Nays: Rep. Meyer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 31, 2005

Present: Reps. LaJoy, David Law, Gosselin, Meyer, Casperson, Nitz, Wenke, Pavlov, Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Absent: Reps. Moore, Pearce and Hood

Excused: Reps. Moore, Pearce and Hood

The Committee on Health Policy, by Rep. Gaffney, Chair, reported

House Bill No. 4821, entitled

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

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Gleason and Angerer

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Tuesday, May 31, 2005

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Rep. Ward

Excused: Rep. Ward

The Committee on Government Operations, by Rep. Hoogendyk, Vice-Chair, reported

House Resolution No. 75.

A resolution to memorialize the Congress of the United States and the United States Department of Health and Human Services to move forward with the creation of a national cord blood stem cell bank.

(For text of resolution, see House Journal No. 41, p. 616.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lemmons, III

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hoogendyk, Vice-Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, May 31, 2005

Present: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lemmons, III

Absent: Rep. Lipsey

Excused: Rep. Lipsey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, May 31, 2005

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett, Accavitti and McConico

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, May 26:

Senate Bill Nos. 534 535 536 537 538

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, May 27:

House Bill Nos. 4834 4835 4836 4837 4838

Senate Bill Nos. 539 540 541 542 543 544 545 546 547

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, May 31, for her approval of the following bills:

Enrolled House Bill No. 4450 at 9:29 a.m.

Enrolled House Bill No. 4451 at 9:31 a.m.

Enrolled House Bill No. 4452 at 9:33 a.m.
Enrolled House Bill No. 4453 at 9:35 a.m.
Enrolled House Bill No. 4677 at 9:37 a.m.

The Clerk announced that the following Senate bills had been received on Tuesday, May 31:

Senate Bill Nos. 252 253 254 384

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

Senate Bill No. 252, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

The Senate has passed the bill.

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

Senate Bill No. 253, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

The Senate has passed the bill.

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

Senate Bill No. 254, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

The Senate has passed the bill.

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

Senate Bill No. 384, entitled

A bill to designate the third Saturday in June as Juneteenth National Freedom Day; and to designate November 26 of each year as Sojourner Truth Day in the state of Michigan.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received May 26, 2005 and read:

EXECUTIVE ORDER

No. 2005 - 12

RECOGNIZING MEMORIAL DAY

WHEREAS, Memorial Day was first officially proclaimed on May 5, 1868 by General John A. Logan, Commander-in-Chief of the Grand Army of the Republic, in General Order No. 11, and was first observed on May 30, 1868, when flowers were placed on the graves of soldiers at Arlington National Cemetery;

WHEREAS, in proclaiming Memorial Day, General Logan wrote, "Let no vandalism of avarice or neglect, no ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided republic";

WHEREAS, on Memorial Day we recognize individuals who have died in service to the United States of America, making the ultimate sacrifice to defend the freedoms our Nation holds so dear;

WHEREAS, under Section 6103 of Title 5 of the United States Code, 5 USC 6103, and Section 1 of 1865 PA 124, MCL 435.101, the last Monday in May is set aside as a legal public holiday in observance of Memorial Day;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, 4 USC 7, on Memorial Day the flag of the United States is to be displayed at half-staff until noon only, then raised to the top of the staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan on Memorial Day morning as a mark of respect for the memory, and in honor of the service, of those killed defending our priceless freedom, peace and security;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, direct and proclaim:

A. On Memorial Day, Monday, May 30, 2005, until 12:00 noon that day, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan and on Michigan waters, including at or on all state buildings and facilities.

B. When flown at half-staff on Memorial Day, the flag of the United States should be first hoisted to the peak for an instant and then lowered to the half-staff position, where it should be flown until noon only, then raised to the top of the staff.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 26th day of May, 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 Department of Human Services was received and read:

May 23, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Interim	Alger/Schoolcraft County DHS		CP770200936

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website, within 48 hours, under "News, Publications & Information" at the following address: <http://www.michigan.gov/fia/>.

If you have any questions regarding this information, please feel free to contact Miriam E.J. Bullock at 517-373-8383.

Sincerely,

Marianne Udow

Director

The communication was referred to the Clerk.

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

May 26, 2005

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the Department of Management and Budget for the period October 1, 2002 through September 30, 2004

May 27, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Space Planning and Leasing Process, Department of Management and Budget
May 2005

May 27, 2005

Enclosed is a copy of the following audit report and/or report summary:
Performance audit of the Michigan Youth Correctional Facility, a facility under contract with the
Department of Corrections
May 2005

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

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

Introduction of Bills

Reps. Wojno, McDowell, Adamini, Bieda, Anderson, Proos, Garfield, Gaffney, Plakas, Gonzales, Vagnozzi and Farhat introduced

House Bill No. 4839, entitled

A bill to amend 1980 PA 497, entitled "Construction lien act," by amending the title and sections 104, 106, 107, 114, 201, 202, 203, and 204 (MCL 570.1104, 570.1106, 570.1107, 570.1114, 570.1201, 570.1202, 570.1203, and 570.1204), sections 104, 106, 107, 114, and 203 as amended by 1982 PA 17, section 201 as amended by 1984 PA 190, and section 202 as amended by 1981 PA 191, and by adding section 114a.

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

Reps. Gosselin, Meyer, Hoogendyk, Palmer, Stahl, Sheen, Drolet, Garfield, Marleau, Acciavatti, Brandenburg, Pastor and Nitz introduced

House Bill No. 4840, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1239. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Gosselin, Meyer, Robertson, Hoogendyk, Palmer, Sheen, Stahl, Drolet, Hummel, Garfield, Marleau, LaJoy, Brandenburg, Casperson, Nitz and Baxter introduced

House Bill No. 4841, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2004 PA 173.

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

Reps. Gosselin, Meyer, Hoogendyk, Stahl, Palmer, Sheen, Drolet, Hummel, Garfield, LaJoy, Brandenburg, Pastor, Casperson, Shaffer and Baxter introduced

House Bill No. 4842, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Hopgood introduced

House Bill No. 4843, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

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

Reps. Vander Veen, Gosselin, Shaffer, Taub, Ball, David Law, Wenke and Lemmons, III introduced

House Bill No. 4844, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 225. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Vander Veen, Gosselin, Shaffer, Taub, Stakoe, Ball, David Law, Wenke and Lemmons, III introduced
House Bill No. 4845, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2001 PA 166.

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

Reps. Condino, Lipsey, Alma Smith, Bieda, Gleason, Kolb, Donigan, Miller, Plakas, Vagnozzi, Cushingberry, Gonzales, Meisner and Anderson introduced

House Bill No. 4846, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3009, 3103, 3116, 3135, and 3177 (MCL 500.3009, 500.3103, 500.3116, 500.3135, and 500.3177), section 3009 as amended by 1988 PA 43, section 3103 as amended by 1986 PA 173, section 3135 as amended by 2002 PA 697, and section 3177 as amended by 1984 PA 426.

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

Rep. Condino introduced

House Bill No. 4847, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30312, and 30318 (MCL 324.30301, 324.30312, and 324.30318), sections 30301 and 30312 as amended by 2003 PA 14 and section 30318 as added by 1995 PA 59, and by adding section 30312b.

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

Reps. Bieda, Lipsey, Tobocman, Condino, Alma Smith and Kathleen Law introduced

House Bill No. 4848, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111d.

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

Reps. Schuitmaker, Green, Jones, McDowell, Wojno, Gaffney, Alma Smith, Lemmons, Jr., Sheltroun, Palsrok and Lemmons, III introduced

House Bill No. 4849, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2512 (MCL 339.2512), as amended by 2002 PA 42, and by adding section 2512d.

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

Reps. Green, Schuitmaker, Jones, Gaffney, McDowell, Wojno, Alma Smith, Lemmons, Jr., Sheltroun, Palsrok and Lemmons, III introduced

House Bill No. 4850, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2517 (MCL 339.2517), as amended by 2000 PA 436.

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

Rep. Schuitmaker introduced

House Bill No. 4851, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 2 of chapter XIIA (MCL 712A.2), as amended by 2001 PA 211.

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

Rep. Palmer moved that Rep. Gosselin be excused temporarily from today's session.
The motion prevailed.

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

Senate Bill No. 226, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 TO 324.90106) by adding part 23.

(The bill was read a second time, substitute (H-3) adopted, amendments offered and bill postponed for the day on May 26, see House Journal No. 47, p. 711.)

Rep. Spade moved to amend the bill as follows:

1. Amend page 1, line 8, by striking out all of subdivision (D) and relettering the remaining subdivision.
2. Amend page 2, line 7, after "AGRIBUSINESS," by striking out the balance of the subsection and inserting "AND CITIES, VILLAGES, TOWNSHIPS, AND COUNTIES IN RURAL AREAS."
3. Amend page 2, line 16, after "RURAL" by striking out "COUNTY" and inserting "AREA".
4. Amend page 2, line 18, by striking out "COUNTY" and inserting "AREA".
5. Amend page 2, line 19, after "RURAL" by striking out "COUNTY" and inserting "AREA".

The question being on the adoption of the amendments offered previously by Rep. Spade,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 155

Yeas—55

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

Nays—51

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

In The Chair: Kooiman

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, line 5, after “**DISCUSS**” by striking out “**HOW**” and inserting “**BOTH OF THE FOLLOWING: (A) HOW**”.

2. Amend page 2, line 8, after “**IN**” by striking out “**RURAL COUNTIES.**” and inserting “**AGRICULTURAL COMMUNITIES.**”.

(B) HOW CONCENTRATED ANIMAL FEEDING OPERATIONS AFFECT THE QUALITY OF LIFE, PROPERTY VALUES, AND THE ENVIRONMENT, INCLUDING, BUT NOT LIMITED TO, WATER QUALITY, IN AGRICULTURAL COMMUNITIES.”.

The question being on the adoption of the amendments offered by Rep. Bieda,

Rep. Bieda demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Bieda,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 156

Yeas—44

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

Nays—62

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

In The Chair: Kooiman

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, following line 19, by inserting:

“(G) **TWO INDIVIDUALS REPRESENTING ENVIRONMENTAL ASSOCIATIONS.**”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

House Bill No. 4444, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105 and 9106 (MCL 324.9105 and 324.9106), as amended by 2000 PA 504, and by adding sections 9106a and 9115a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Pavlov moved to substitute (H-3) the bill.

The motion did not prevail and the substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Rep. Pavlov moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 282, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 9115a and 9115b.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Pavlov moved to substitute (H-3) the bill.

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

Rep. Wenke moved to amend the bill as follows:

1. Amend page 2, line 18, by striking out all of subparagraph (*iv*) and renumbering the remaining subparagraph.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

Senate Concurrent Resolution No. 18.

A concurrent resolution to change the scope of the Macomb Community College Fraser Building Renovation project to the Emergency Services Training Center expansion project and to increase the project cost.

(For text of concurrent resolution, see House Journal No. 41, p. 619.)

(The concurrent resolution was reported by the Committee on Appropriations on May 25, consideration of which, under the rules, was postponed until May 26.)

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members present voting therefor, by yeas and nays, as follows:

Roll Call No. 157**Yeas—106**

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Adamini	Farhat	Lemmons, Jr.	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayer	Sheen
Angerer	Garfield	McConico	Sheltrown

Ball	Gillard	McDowell	Smith, Alma
Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Green	Miller	Stahl
Booher	Hansen	Moolenaar	Stakoe
Brandenburg	Hildenbrand	Moore	Steil
Brown	Hood	Mortimer	Stewart
Byrnes	Hoogendyk	Murphy	Taub
Byrum	Hopgood	Newell	Tobocman
Casperson	Huizenga	Nitz	Vagnozzi
Caswell	Hummel	Nofs	Van Regenmorter
Caul	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kehrl	Pearce	Wenke
DeRoche	Kolb	Plakas	Whitmer
Dillon	Kooiman	Polidori	Williams
Donigan	LaJoy	Proos	Wojno
Drolet	Law, David	Robertson	Zelenko
Elsenheimer	Law, Kathleen		

Nays—0

In The Chair: Kooiman

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4602, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for

submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10c (MCL 247.660c), as amended by 2002 PA 498.

(The bill was received from the Senate on May 25, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until May 26, see House Journal No. 46, p. 690.)

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

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

Roll Call No. 158**Yeas—105**

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

Nays—0

In The Chair: Kooiman

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

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

Rep. McConico moved that the House adjourn.
The motion prevailed, the time being 3:05 p.m.

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

GARY L. RANDALL
Clerk of the House of Representatives

