

**No. 110**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Thursday, December 29, 2005.

11:30 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—excused	Farhat—present	Lemmons, Jr.—present	Sak—present
Amos—present	Farrah—present	Lipsey—present	Schuitmaker—present
Anderson—excused	Gaffney—present	Marleau—present	Shaffer—excused
Angerer—present	Garfield—present	Mayes—present	Sheen—excused
Ball—present	Gillard—excused	McConico—excused	Sheltrown—present
Baxter—present	Gleason—present	McDowell—present	Smith, Alma—present
Bennett—excused	Gonzales—excused	Meisner—present	Smith, Virgil—present
Bieda—excused	Gosselin—present	Meyer—excused	Spade—present
Booher—present	Green—present	Miller—excused	Stahl—present
Brandenburg—present	Hansen—present	Moolenaar—present	Stakoe—present
Brown—excused	Hildenbrand—present	Moore—present	Steil—excused
Byrnes—present	Hood—present	Mortimer—present	Stewart—present
Byrum—present	Hoogendyk—present	Murphy—present	Taub—excused
Casperson—present	Hopgood—excused	Newell—present	Tobocman—excused
Caswell—present	Huizenga—excused	Nitz—present	Vagnozzi—present
Caul—excused	Hummel—present	Nofs—present	Van Regenmorter—present
Cheeks—present	Hune—present	Palmer—present	Vander Veen—present
Clack—present	Hunter—excused	Palsrok—present	Walker—excused
Clemente—present	Jones—present	Pastor—present	Ward—present
Condino—present	Kahn—present	Pavlov—present	Waters—present
Cushingberry—present	Kolb—present	Pearce—present	Wenke—present
DeRoche—present	Kooiman—present	Phillips—excused	Whitmer—present
Dillon—present	LaJoy—present	Plakas—excused	Williams—present
Donigan—present	Law, David—present	Polidori—present	Wojno—present
Drolet—present	Law, Kathleen—present	Proos—present	Zelenko—present
Elsenheimer—present			

e/d/s = entered during session

Rep. Scott Hummel, from the 93rd District, offered the following invocation:

“From Psalm 8:

O LORD, our Lord, how majestic is Your name in all the earth!  
When I consider Your heavens, the work of Your fingers, the moon and the stars, which You have set in place, what is man that You are mindful of him, the son of man that You care for him?  
You made him a little lower than the heavenly beings and crowned him with glory and honor.  
You made him ruler over the works of Your hands; You put everything under his feet: all flocks and herds, and the beasts of the field, the birds of the air, and the fish of the sea, all that swim the paths of the seas.  
O LORD, our Lord, how majestic is Your name in all the earth!

Lord, thank You for the authority You have entrusted to us. May we use that authority You have given us to govern wisely.

And finally, I would pray for those who are impacted by this sunset extension, that You would bless them this next year in a powerful way. In Jesus name, Amen.”

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Rep. Palmer moved that Reps. Caul, Huizenga, Meyer, Shaffer, Sheen, Steil, Taub and Walker be excused from today’s session.

The motion prevailed.

Rep. Waters moved that Reps. Adamini, Anderson, Bennett, Brown, Gillard, Gonzales, Hopgood, McConico, Miller, Phillips, Plakas, Tobocman, Hunter and Bieda be excused from today’s session.

The motion prevailed.

### Notices

December 28, 2005

Gary Randall  
Clerk of the House  
State Capitol  
Lansing, MI 48913

Dear Mr. Clerk:

I, Clarence E. Phillips, hereby resign my position as State Representative for the 29th District, Michigan House of Representatives, effective Sunday, January 1, 2006, at 11:59 a.m.

Thank you for your attention to this matter.

Sincerely,  
Clarence E. Phillips  
State Representative  
29th District

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The Speaker called the Speaker Pro Tempore to the Chair.

**Second Reading of Bills**

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

**Third Reading of Bills**

Pending the Third Reading of

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

Rep. Ward moved that consideration of the bill be postponed temporarily.

The motion prevailed.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, December 14, for her approval of the following bills:

- Enrolled House Bill No. 5438 at 4:25 p.m.**
- Enrolled House Bill No. 5439 at 4:27 p.m.**
- Enrolled House Bill No. 5440 at 4:29 p.m.**
- Enrolled House Bill No. 5441 at 4:31 p.m.**
- Enrolled House Bill No. 5442 at 4:33 p.m.**
- Enrolled House Bill No. 4617 at 4:35 p.m.**
- Enrolled House Bill No. 4817 at 4:37 p.m.**
- Enrolled House Bill No. 4818 at 4:39 p.m.**
- Enrolled House Bill No. 4959 at 4:41 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, December 14:

<b>House Bill Nos.</b>	<b>5495</b>	<b>5496</b>	<b>5497</b>	<b>5498</b>	<b>5499</b>	<b>5500</b>	<b>5501</b>	<b>5502</b>	<b>5503</b>	<b>5504</b>	<b>5505</b>	<b>5506</b>	<b>5507</b>	<b>5508</b>
	<b>5509</b>	<b>5510</b>	<b>5511</b>	<b>5512</b>	<b>5513</b>	<b>5514</b>	<b>5515</b>	<b>5516</b>	<b>5517</b>	<b>5518</b>	<b>5519</b>	<b>5520</b>	<b>5521</b>	<b>5522</b>
	<b>5523</b>	<b>5524</b>	<b>5525</b>	<b>5526</b>	<b>5527</b>	<b>5528</b>								
<b>Senate Bill Nos.</b>	<b>932</b>	<b>933</b>	<b>934</b>	<b>935</b>	<b>936</b>	<b>937</b>	<b>938</b>							

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, December 15, for her approval of the following bills:

- Enrolled House Bill No. 4982 at 10:18 a.m.**
- Enrolled House Bill No. 5459 at 10:20 a.m.**
- Enrolled House Bill No. 5460 at 10:22 a.m.**
- Enrolled House Bill No. 5461 at 10:24 a.m.**
- Enrolled House Bill No. 5270 at 10:26 a.m.**
- Enrolled House Bill No. 5427 at 2:27 p.m.**

The Clerk announced the enrollment printing and presentation to the Governor on Friday, December 16, for her approval of the following bills:

- Enrolled House Bill No. 5333 at 1:16 p.m.**
- Enrolled House Bill No. 5339 at 1:18 p.m.**

The Clerk nounced the enrollment printing and presentation to the Governor on Tuesday, December 20, for her approval of the following bills:

**Enrolled House Bill No. 4508 at 1:37 p.m.**  
**Enrolled House Bill No. 4577 at 1:39 p.m.**  
**Enrolled House Bill No. 4655 at 1:41 p.m.**  
**Enrolled House Bill No. 5054 at 1:43 p.m.**  
**Enrolled House Bill No. 5067 at 1:45 p.m.**  
**Enrolled House Bill No. 5100 at 1:47 p.m.**  
**Enrolled House Bill No. 5145 at 1:49 p.m.**  
**Enrolled House Bill No. 5200 at 1:51 p.m.**  
**Enrolled House Bill No. 5268 at 1:53 p.m.**  
**Enrolled House Bill No. 5269 at 1:55 p.m.**  
**Enrolled House Bill No. 5353 at 1:57 p.m.**  
**Enrolled House Bill No. 5397 at 1:59 p.m.**  
**Enrolled House Bill No. 5480 at 2:01 p.m.**  
**Enrolled House Bill No. 4540 at 4:39 p.m.**

### Messages from the Governor

The following veto message from the Governor was received and read:

Executive Office, Lansing, December 27, 2005

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have vetoed and return without signature **Enrolled House Bill 4617**. I cannot approve this legislation because the bill would slow economic redevelopment, place our valuable natural resources at additional risk from contamination, and eliminate critical protections for public health. Rather than protecting property owners, residents, and their environment, the bill would:

- Hinder the state's ability to respond to all significant risks to public health and the environment;
- Increase the costs and slow the pace of environmental cleanup and redevelopment activity by mandating unnecessary testing, prolonging uncertainty;
- Create opportunities for polluters to delay cleaning up the contamination they cause, while increasing the burden on the state;
- Provide polluters inappropriate protections, allowing them to avoid responsibility for cleaning-up environmental contamination; and
- Limit critical information homeowners, renters, and others need about environmental contamination.

In addition to these deficiencies, House Bill 4617 is poorly drafted, containing incomplete citations to administrative rules. These technical problems were identified by the Department of Environmental Quality yet were ignored during the legislative process. These technical omissions have consequences. By referencing the incorrect rules, this legislation would foreclose the ability of the state to protect surface water from contamination, increasing health risks for homeowners and Michigan's environment.

While I have vetoed this legislation, I want it to be clear that I share the concerns of many about the Department of Environmental Quality's handling of remediation efforts relating to dioxin in Midland and along the Tittabawassee River. Action taken already this year significantly narrows the scope and number of homes affected by the contamination, and more clearly outlines protections for homeowners, including the ability to influence the scientific process the Department of Environmental Quality uses in making determinations about the levels and scope of environmental contamination. I also am supportive of further changes to improve the process followed by the Department of Environmental Quality, including enhanced opportunities for potentially affected homeowners to provide data.

Michigan homeowners deserve protections for their investments, but changes in Michigan law that threaten the protection of public health and the environment under the guise of homeowner fairness are not acceptable. I have instructed the Department of Environmental Quality to work with you in crafting legislation that strikes an appropriate balance. House Bill 4617 does not. An excellent starting point for discussion on revised legislation would be the

compromise substitute bill offered but never considered during the legislative process. The final product should include a meaningful opportunity for homeowners to present information regarding their property without sacrificing necessary protections for public health and the environment.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Ward moved that consideration of the bill be postponed for the day.  
The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, Lansing, December 27, 2005

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I have vetoed and return with objections **Enrolled House Bill 4993**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. The bill would allow voters to authorize a local transportation authority to levy a tax on real property for public transportation purposes for up to 25 years. The current limit is 5 years.

As introduced, House Bill 4993 would have applied to transit authorities organized under the Public Transportation Authority Act ("PA 196") throughout Michigan, ranging from Gogebic County in the Upper Peninsula to Monroe County in the Lower Peninsula. Unfortunately, the bill was amended and limited to apply only to counties with a population greater than 500,000 and less than 750,000.

In this restrictive form, Enrolled House Bill 4993 would apply only to Kent County. The Interurban Transit Partnership serving the greater Grand Rapids area in Kent County laudably would use the financing tool that would be provided by the bill to develop a streetcar or rapid transit bus corridor, enabling the area to demonstrate the local financial capacity required to secure \$14.4 million in federal funding.

Effective public transportation connecting job providers with the workers and customers needed to fuel business growth is a key component of economic development and job creation throughout all of Michigan. That is why I strongly support improved public transportation not just in Kent County but throughout the entire state. Restricting to only one county the tools that can enable communities to develop more effective public transportation is short sighted. Citizens in all of our communities deserve access to the same tools that House Bill 4993 would provide only to Kent County.

In addition to denying communities transportation options that enable economic growth and prosperity, the restrictive scope of this legislation also risks leaving federal funds on the table, shifting dollars to other states at the expense of Michigan taxpayers. For example, the federal government already has committed \$100 million for engineering work on a proposed rapid transit line between Detroit and Ann Arbor that also would serve Metro Airport. The federal government additionally could fund up to 80% of the cost of building such a line, as it has done for similar transit lines in other states, but only if the region can demonstrate sufficient local financial support.

Providing communities throughout Michigan the same ability as Kent County to demonstrate local financial support will provide those communities with a green light to move forward and secure major federal support for important public transportation projects. That means more jobs and less congestion on our roads. It also is important to note that such legislation would not impose taxes, but instead only would empower local voters to make choices on public transportation funding options that work best for their communities.

The crass political motivation that would provide funding flexibility to one county while leaving behind the rest of the state is bad for jobs in Michigan and cynically fosters division in a state that cries out for unity. Accordingly, I return Enrolled House Bill 4993 without signature.

I call on the Legislature to pass legislation early next year giving voters in communities throughout Michigan the ability to utilize this funding option to support their local public transportation authorities.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Ward moved that consideration of the bill be postponed for the day.  
The motion prevailed.

The following veto messages from the Governor were received and read:

Executive Office, Lansing, December 27, 2005

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I return **Enrolled House Bills 5438, 5439, 5440, and 5441** with my objections, as provided under Section 33 of Article IV of the Michigan Constitution of 1963. As part of a legislative package that attempts to fundamentally change Michigan's welfare system, the bills contain some good features, but also have serious flaws that would undermine the very reforms sought.

I believe that Michigan's welfare system should help individuals gain financial independence so they can contribute to the growth of Michigan's economy. Just as I believe that we have a moral obligation to provide a safety net for our most vulnerable fellow citizens, I also believe welfare recipients should work to gain the education and skills needed to make it on their own. Therefore, I support limits for able-bodied people with no barriers to self-sufficiency.

This legislative package, however, goes too far. As passed, the package would impose a lifetime 48-month limit on benefits, even for those who comply with work and training requirements but still don't earn enough money to escape poverty. The 74,000 families receiving cash assistance today, including 157,000 children, are among the poorest of the poor in our society. They have significant barriers to work, be they mental or physical disabilities, children in dire poverty, or other immediately insurmountable barriers. The very limited support these fragile citizens receive from the state is equivalent to 36% of the poverty level for a family of three—or a mere \$5,500 per year. For most people in Michigan, that support would not even pay for a partial year's rent, much less any other basic necessities of life. The current stipend has not been raised for over a decade. I simply will not sign a bill that will have the effect of forcing families with children into utter economic desperation or homelessness. This package is a far cry from being either pro-family, pro-child, or even "compassionately conservative."

While I support strengthening sanctions for those who do not comply with work and training requirements, the penalties this legislative package would impose are too severe—24 times more severe than penalties under current law. I have supported increasing the ineligibility period for noncompliance, but the sanctions in this package are too extreme, especially at a time when our economy is already challenged.

I have separately signed into law two other bills in this legislative package, Enrolled Senate SB 894 and House Bill 5442, which provide for time lines for developing a recipient's family self-sufficiency plan and for studying the impact of other potential changes in the law.

My administration has put in countless hours working with the Legislature to craft a tough, fair, and compassionate welfare reform package that rewards work, trains people for jobs, and protects our poorest and most vulnerable citizens. Unfortunately, these bills do not meet that standard. However, I remain willing to work with you to enact legislation that is both firm and compassionate.

Because several sections of current law expire on December 31st of this year, I call on the House of Representatives to quickly approve Senate Bill 757, already passed by the Senate with immediate effect. The bill is currently on the House floor awaiting final approval. If quickly enacted, Senate Bill 757 will extend the expiration date of key provisions of The Social Welfare Act and avoid needless confusion and expense.

Respectfully,  
Jennifer M. Granholm  
Governor

The question being on the passage of the bills, the objections of the Governor to the contrary notwithstanding, Rep. Ward moved that consideration of the bills be postponed for the day.  
The motion prevailed.

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

**Senate Bill No. 757, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 14i (MCL 400.14i), as amended by 2004 PA 571.

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

**Roll Call No. 827****Yeas—85**

Accavitti	Emmons	Leland	Proos
Acciavatti	Espinoza	Lemmons, III	Robertson
Amos	Farhat	Lemmons, Jr.	Rocca
Angerer	Farrah	Lipsey	Sak
Ball	Gaffney	Marleau	Schuitmaker
Baxter	Garfield	Mayes	Sheltrown
Booher	Gleason	McDowell	Smith, Alma
Brandenburg	Green	Meisner	Smith, Virgil
Byrnes	Hansen	Moolenaar	Spade
Byrum	Hildenbrand	Moore	Stahl
Casperson	Hood	Mortimer	Stakoe
Caswell	Hoogendyk	Murphy	Stewart
Cheeks	Hummel	Newell	Vagnozzi
Clack	Hune	Nitz	Van Regenmorter
Clemente	Jones	Nofs	Vander Veen
Condino	Kahn	Palmer	Ward
Cushingberry	Kolb	Palsrok	Waters
DeRoche	Kooiman	Pastor	Whitmer
Dillon	LaJoy	Pavlov	Williams
Donigan	Law, David	Pearce	Wojno
Drolet	Law, Kathleen	Polidori	Zelenko
Elsenheimer			

**Nays—2**

Gosselin	Wenke
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In The Chair: Kooiman

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

“An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

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

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

**Messages from the Governor**

Date: December 14, 2005

Time: 9:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4706 (Public Act No. 259, I.E.), being**

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending section 916 (MCL 436.1916).

(Filed with the Secretary of State December 16, 2005, at 10:37 a.m.)

Date: December 14, 2005

Time: 9:17 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5332 (Public Act No. 260, I.E.), being**

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” (MCL 500.100 to 500.8302) by adding section 2024b.

(Filed with the Secretary of State December 16, 2005, at 10:39 a.m.)



Date: December 14, 2005  
Time: 9:19 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5046 (Public Act No. 261, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 20927 (MCL 333.20927), as added by 1990 PA 179.

(Filed with the Secretary of State December 16, 2005, at 10:41 a.m.)

Date: December 14, 2005  
Time: 9:21 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4186 (Public Act No. 262, I.E.), being**

An act 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.

(Filed with the Secretary of State December 16, 2005, at 10:43 a.m.)

Date: December 14, 2005  
Time: 9:23 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5026 (Public Act No. 263, I.E.), being**

An act to regulate warranties on motor vehicle protection products; to provide for the powers and duties of certain state officers and entities; and to prescribe civil sanctions.

(Filed with the Secretary of State December 16, 2005, at 10:45 a.m.)

Date: December 14, 2005  
Time: 9:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4325 (Public Act No. 264), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of,

departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

(Filed with the Secretary of State December 16, 2005, at 10:47 a.m.)

Date: December 14, 2005

Time: 9:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4258 (Public Act No. 266, I.E.), being**

An act to amend 1846 RS 1, entitled "Of the statutes," by amending section 3q (MCL 8.3q).

(Filed with the Secretary of State December 16, 2005, at 10:51 a.m.)

Date: December 15, 2005

Time: 9:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4027 (Public Act No. 267, I.E.), being**

An act 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 sections 2 and 7 (MCL 207.552 and 207.557), section 2 as amended by 2005 PA 118 and section 7 as amended by 1996 PA 513.

(Filed with the Secretary of State December 16, 2005, at 10:53 a.m.)

Date: December 15, 2005

Time: 1:52 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4959 (Public Act No. 269, I.E.), being**

An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 113, 537, 543, and 607 (MCL 436.1113, 436.1537, 436.1543, and 436.1607), section 537 as amended by 2005 PA 166 and section 543 as amended by 2005 PA 97, and by adding section 113a; and to repeal acts and parts of acts.

(Filed with the Secretary of State December 16, 2005, at 10:57 a.m.)

Date: December 18, 2005  
Time: 7:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4777 (Public Act No. 270, I.E.), being**

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending section 2922 (MCL 600.2922), as amended by 2000 PA 56.

(Filed with the Secretary of State December 19, 2005, at 11:52 a.m.)

Date: December 18, 2005  
Time: 7:47 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4920 (Public Act No. 271, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 80124a, 80307, 80309, 81112, and 82105 (MCL 324.80124a, 324.80307, 324.80309, 324.81112, and 324.82105), section 80124a as added by 2003 PA 293, sections 80307, 80309, and 81112 as added by 1995 PA 58, and section 82105 as amended by 1998 PA 297.

(Filed with the Secretary of State December 19, 2005, at 11:54 a.m.)

Date: December 18, 2005  
Time: 7:49 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5057 (Public Act No. 272, I.E.), being**

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.2080) by adding section 91.

(Filed with the Secretary of State December 19, 2005, at 11:56 a.m.)

Date: December 18, 2005  
Time: 7:51 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5025 (Public Act No. 273, I.E.), being**

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain

circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16204 (MCL 333.16204), as added by 1994 PA 234.

(Filed with the Secretary of State December 19, 2005, at 11:58 a.m.)

Date: December 18, 2005

Time: 7:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4817 (Public Act No. 275, I.E.), being**

An act to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

(Filed with the Secretary of State December 19, 2005, at 12:02 p.m.)

Date: December 18, 2005

Time: 7:57 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4818 (Public Act No. 276, I.E.), being**

An act to amend 1996 PA 376, entitled "An act to create and expand certain renaissance zones; to foster economic opportunities in this state; to facilitate economic development; to stimulate industrial, commercial, and residential improvements; to prevent physical and infrastructure deterioration of geographic areas in this state; to authorize expenditures; to provide exemptions and credits from certain taxes; to create certain obligations of this state and local governmental units; to require disclosure of certain transactions and gifts; to provide for appropriations; and to prescribe the powers and duties of certain state and local departments, agencies, and officials," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

(Filed with the Secretary of State December 19, 2005, at 12:04 p.m.)

Date: December 20, 2005

Time: 9:34 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4982 (Public Act No. 289, I.E.), being**

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35d.

(Filed with the Secretary of State December 20, 2005, at 11:26 a.m.)

Date: December 20, 2005

Time: 9:38 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5461 (Public Act No. 291, I.E.), being**

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities;

to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35g.

(Filed with the Secretary of State December 20, 2005, at 11:30 a.m.)

Date: December 20, 2005

Time: 9:40 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5460 (Public Act No. 292, I.E.), being**

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35h.

(Filed with the Secretary of State December 20, 2005, at 11:32 a.m.)

Date: December 20, 2005

Time: 9:44 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5459 (Public Act No. 294, I.E.), being**

An act to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," (MCL 208.1 to 208.145) by adding section 35j.

(Filed with the Secretary of State December 20, 2005, at 11:36 a.m.)

Date: December 20, 2005

Time: 7:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5427 (Public Act No. 299, I.E.), being**

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

(Filed with the Secretary of State December 21, 2005, at 1:52 p.m.)

Date: December 20, 2005

Time: 7:24 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4597 (Public Act No. 300, I.E.), being**

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to

provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 335a (MCL 750.335a), as amended by 2002 PA 672.  
(Filed with the Secretary of State December 21, 2005, at 1:54 p.m.)

Date: December 20, 2005  
Time: 7:26 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4598 (Public Act No. 301, I.E.), being**

An act to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending section 2 (MCL 28.722), as amended by 2004 PA 240.  
(Filed with the Secretary of State December 21, 2005, at 1:56 p.m.)

Date: December 20, 2005  
Time: 7:28 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4599 (Public Act No. 302, I.E.), being**

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 16q of chapter XVII (MCL 777.16q), as amended by 2002 PA 261.  
(Filed with the Secretary of State December 21, 2005, at 1:58 p.m.)

Date: December 20, 2005  
Time: 7:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5270 (Public Act No. 303, I.E.), being**

An act to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 233, 234, 234a, 234b, 235, and 329 (MCL 750.233, 750.234, 750.234a, 750.234b, 750.235, and 750.329), section 234a as amended by 1996 PA 163 and section 234b as amended by 1992 PA 218.  
(Filed with the Secretary of State December 21, 2005, at 2:00 p.m.)

Date: December 22, 2005  
Time: 6:08 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5275 (Public Act No. 309, I.E.), being**

An act to amend 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending the title and sections 1, 2, and 3 (MCL 28.211, 28.212, and 28.213) and by adding sections 1a and 3a.

(Filed with the Secretary of State December 27, 2005, at 10:09 a.m.)

Date: December 22, 2005  
Time: 6:10 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5276 (Public Act No. 310, I.E.), being**

An act to amend 1925 PA 289, entitled “An act to create and maintain a fingerprint identification and criminal history records division within the department of state police; to require peace officers, persons in charge of certain institutions, and others to make reports respecting juvenile offenses, crimes, and criminals to the state police; to require the fingerprinting of an accused by certain persons; and to provide penalties and remedies for a violation of this act,” (MCL 28.241 to 28.248) by adding section 2a.

(Filed with the Secretary of State December 27, 2005, at 10:11 a.m.)

Date: December 22, 2005  
Time: 6:12 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5277 (Public Act No. 311, I.E.), being**

An act to amend 1974 PA 163, entitled “An act to provide for the creation of a law enforcement information network policy council; to provide for the establishment of policy and promulgation of rules governing the use of the law enforcement information network; and to provide for the appointment and compensation of council members,” by amending section 4 (MCL 28.214), as amended by 2000 PA 320.

(Filed with the Secretary of State December 27, 2005, at 10:13 a.m.)

Date: December 22, 2005  
Time: 6:32 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5480 (Public Act No. 312, I.E.), being**

An act to amend 1985 PA 106, entitled “An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes,” by amending section 9 (MCL 207.629), as amended by 2004 PA 386.

(Filed with the Secretary of State December 27, 2005, at 10:15 a.m.)

Date: December 22, 2005  
Time: 6:02 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4798 (Public Act No. 315, I.E.), being**

An act to amend 1989 PA 196, entitled “An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim’s rights fund; to provide for expenditures

from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

(Filed with the Secretary of State December 27, 2005, at 10:21 a.m.)

Date: December 22, 2005

Time: 6:04 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5023 (Public Act No. 316, I.E.), being**

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 1k to chapter IX.

(Filed with the Secretary of State December 27, 2005, at 10:23 a.m.)

Date: December 22, 2005

Time: 6:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5200 (Public Act No. 317, I.E.), being**

An act to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

(Filed with the Secretary of State December 27, 2005, at 10:25 a.m.)

Date: December 22, 2005

Time: 6:22 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5054 (Public Act No. 318, I.E.), being**

An act to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of



certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,” by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

(Filed with the Secretary of State December 27, 2005, at 10:27 a.m.)

Date: December 22, 2005

Time: 6:24 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5353 (Public Act No. 319, I.E.), being**

An act to amend 1950 (Ex Sess) PA 27, entitled “An act defining and regulating certain installment sales of motor vehicles; prescribing the conditions under which such sales may be made and regulating the financing thereof; regulating and licensing persons engaged in the business of making or financing such sales; prescribing the form, contents and effect of instruments used in connection with such sales and the financing thereof; prescribing certain rights and obligations of buyers, sellers, persons financing such sales and others; limiting charges in connection with such instruments and fixing maximum interest rates for delinquencies, extensions and loans; regulating insurance in connection with such sales; regulating repossessions, redemptions, resales and deficiency judgments and the rights of parties with respect thereto; authorizing extensions, loans and forbearances related to such sales; authorizing investigations and examinations of persons engaged in the business of making or financing such sales; transferring certain powers and duties with respect to finance companies to the commissioner of the financial institutions bureau; and prescribing penalties,” (MCL 492.101 to 492.141) by adding section 13a.

(Filed with the Secretary of State December 27, 2005, at 10:29 a.m.)

Date: December 22, 2005

Time: 6:26 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5067 (Public Act No. 320, I.E.), being**

An act to amend 1998 PA 58, entitled “An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts,” by amending the title and section 105 (MCL 436.1105) and by adding section 914.

(Filed with the Secretary of State December 27, 2005, at 10:31 a.m.)

Date: December 22, 2005

Time: 6:28 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4508 (Public Act No. 321, I.E.), being**

An act to amend 1976 PA 390, entitled “An act to provide for planning, mitigation, response, and recovery from natural and human-made disaster within this state; to create the Michigan emergency management advisory council and prescribe its powers and duties; to prescribe the powers and duties of certain state and local agencies and officials; to

prescribe immunities and liabilities; to provide for the acceptance of gifts; to repeal certain acts and parts of acts; and to repeal certain parts of the act," by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

(Filed with the Secretary of State December 27, 2005, at 10:33 a.m.)

Date: December 22, 2005

Time: 6:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5397 (Public Act No. 322, I.E.), being**

An act to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121.

(Filed with the Secretary of State December 27, 2005, at 10:35 a.m.)

Date: December 22, 2005

Time: 6:34 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5442 (Public Act No. 324, I.E.), being**

An act to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 57o.

(Filed with the Secretary of State December 27, 2005, at 1:35 p.m.)

Date: December 27, 2005

Time: 11:21 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5145 (Public Act No. 325, I.E.), being**

An act to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 11 to chapter IX.

(Filed with the Secretary of State December 27, 2005, at 1:37 p.m.)

Date: December 22, 2005  
Time: 6:18 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5100 (Public Act No. 328, I.E.), being**

An act to amend 1970 PA 91, entitled “An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts,” by amending section 7 (MCL 722.27), as amended by 2001 PA 108.

(Filed with the Secretary of State December 28, 2005, at 1:41 p.m.)

Date: December 20, 2005  
Time: 7:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5333 (Public Act No. 331, I.E.), being**

An act to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by repealing sections 3 and 14 (MCL 254.313 and 254.324).

(Filed with the Secretary of State December 28, 2005, at 1:47 p.m.)

Date: December 20, 2005  
Time: 7:46 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5339 (Public Act No. 332, I.E.), being**

An act to amend 1950 (Ex Sess) PA 21, entitled “An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act,” by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

(Filed with the Secretary of State December 28, 2005, at 1:49 p.m.)

### Communications from State Officers

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

Notices of Filing  
Administrative Rules

October 28, 2005

In accordance with the provisions of MCL 24.248 this is to advise you that the Department of Labor and Economic Growth, Office of Policy and Legislative Affairs filed at 10:36 A.M. this date, administrative rule (05-10-07E) for the

Department of Labor and Economic Growth, Public Service Commission, Entitled “*Emergency Billing Practices for Retail Customers*”, these rules take effect upon filing with the Secretary of State and shall be effective until March 31, 2006.

October 28, 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 Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 10:38 A.M. this date, administrative rule (05-10-08) for the Department of Natural Resources, Director’s Office, entitled “*Off-Road Recreational Vehicle Safety Education*” these rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become 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.

The following communications from the Department of Human Services were received and read:

December 7, 2005

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Grand Traverse/Leelanau County DHS		CP280201153

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/dhs/>.

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

December 12, 2005

Pursuant to Section 1002 of P.A. 147 of 2005, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal	Chippewa County DHS		CP170201061
Renewal	Mackinac County DHS		CP490201268

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/dhs/>.

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 communications were referred to the Clerk.

The following communication from the Department of State Police was received and read:

December 21, 2005

The Michigan Office of Highway Safety Planning certifies that Michigan has attained greater than an 80 percent compliance with the state’s safety belt legislation requirements, pursuant to Michigan’s safety belt legislation Section 257.710e, subsection 5 (see attached). Michigan’s official safety belt usage rate for calendar year 2005 is 92.9 percent.

Based on the 92.9 percent safety belt usage rate and the above mentioned section of the Michigan safety belt legislation, Michigan law enforcement agencies shall continue to accomplish this enforcement as a primary action.

If you have any questions regarding this matter, please contact Alicia Sledge at (517) 333-5321 or via e-mail at [sledgea@michigan.gov](mailto:sledgea@michigan.gov).

Sincerely,  
MICHAEL L. PRINCE  
Division Director  
Office of Highway Safety Planning

The communication was referred to the Clerk.

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

December 22, 2005

Enclosed is a copy of the Comprehensive Annual Financial Report of the Bureau of State Lottery for the fiscal years ending September 30, 2005 and 2004.

If you have questions regarding this report, please call me; Scott M. Strong, C.P.A., Deputy Auditor General; or Mark A. Freeman, C.P.A., Audit Division Administrator for audits of the Bureau of State Lottery.

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.

### Introduction of Bills

Rep. Jones introduced

**House Bill No. 5529, entitled**

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts," by amending section 11 (MCL 41.811), as amended by 2004 PA 464.

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

Reps. Sak, Alma Smith, Zelenko, Waters, Byrum, Anderson, Gleason, Meisner, McConico, Murphy, Polidori, Dillon, Bennett, Tobocman, Miller, Schuitmaker and Lemmons, III introduced

**House Bill No. 5530, entitled**

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2004 PA 462.

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

Rep. David Law introduced

**House Bill No. 5531, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 520a, 520b, and 520c (MCL 750.520a, 750.520b, and 750.520c), as amended by 2002 PA 714, and by adding section 520n.

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

Rep. David Law introduced

**House Bill No. 5532, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending the title and sections 4 and 6 (MCL 791.204 and 791.206), the title as amended by 1996 PA 164 and section 6 as amended by 1996 PA 104, and by adding section 85.

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

Rep. David Law introduced

**House Bill No. 5533, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

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

Rep. Byrnes introduced

**House Bill No. 5534, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 520b (MCL 750.520b), as amended by 2002 PA 714.

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

Rep. Byrnes introduced

**House Bill No. 5535, entitled**

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2004 PA 218.

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

Rep. LaJoy introduced

**House Bill No. 5536, entitled**

A bill to amend 1987 PA 248, entitled "Airport parking tax act," by amending section 3 (MCL 207.373), as amended by 2002 PA 680.

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

Rep. LaJoy introduced

**House Bill No. 5537, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

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

By unanimous consent the House returned to the order of

**Messages from the Senate**

The Honorable Craig DeRoche  
Speaker of the House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Dear Mr. Speaker:

I have the honor to inform you that the Senate has completed the business of the session and is now ready to adjourn.

Very respectfully,  
Carol Morey Viventi, J.D.  
Secretary of the Senate

The hour of 12:00 Noon having arrived,

Pursuant to the resolution fixing the date of final adjournment and the provision of the Constitution determining the hour of such adjournment, the Speaker Pro Tempore declared the House adjourned without day.

GARY L. RANDALL  
Clerk of the House of Representatives