

No. 24
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House Chamber, Lansing, Thursday, March 18, 2004.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Marsha Cheeks, from the 6th District, offered the following invocation:

“Almighty, mighty and merciful God, thank You for the opportunity that You have given each and every one of us to serve Your people. Please give us the insight and the knowledge of the awesome responsibility that You have charged each and every one of us with. Allow us to make the decisions, Father, that are only Your will. Allow us to understand that the responsibilities given us represent what Your plan is for all of Your people across this state. Encourage us. Lead us and guide us, Almighty God. Give us the strength and the direction that we need. We will give You the honor, the praise and worship only You, Father. Keep us focused on Your agenda. Let us all be sensitive to the needs of Your people. These prayers and many, many others we ask in the name of Your son, Jesus. Amen.”

Rep. Gielegem moved that Rep. Stallworth be excused from today’s session.
The motion prevailed.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Ehardt to the Chair.

Second Reading of Bills

House Joint Resolution W, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

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

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

Rep. Drolet moved to amend the joint resolution as follows:

1. Amend page 1, line 4, after “a” by striking out “moral” and inserting “absolute”.

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

Rep. Julian moved that the joint resolution be placed on the order of Third Reading of Bills.

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

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

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

Rep. Richardville moved that Rep. Mortimer be excused temporarily from today’s session.
The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Joint Resolution W, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 46 of article IV, to provide for the death penalty in certain circumstances.

Was read a third time and not adopted, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 143

Yeas—55

Accavitti	Gaffney	Middaugh	Spade
Acciavatti	Garfield	Moolenaar	Stahl
Amos	Hager	Newell	Stakoe
Anderson	Hoogendyk	Nitz	Steil

Bisbee	Howell	Nofs	Stewart
Bradstreet	Huizenga	Pappageorge	Tabor
Brandenburg	Hummel	Pastor	Taub
Brown	Hune	Pumford	Van Regenmorter
Casperson	Johnson, Rick	Richardville	Vander Veen
Caswell	Johnson, Ruth	Robertson	Voorhees
DeRoche	Julian	Rocca	Ward
DeRossett	Koetje	Shackleton	Wenke
Drolet	LaJoy	Shaffer	Woronchak
Emmons	Meyer	Sheen	

Nays—52

Adamini	Gielegem	Lipsey	Sak
Bieda	Gillard	McConico	Sheltrown
Byrum	Gleason	Meisner	Shulman
Caul	Hardman	Milosch	Smith
Cheeks	Hart	Minore	Tobocman
Clack	Hood	Murphy	Vagnozzi
Condino	Hopgood	O'Neil	Walker
Daniels	Hunter	Palmer	Waters
Dennis	Jamnick	Palsrok	Whitmer
Ehardt	Kolb	Phillips	Williams
Elkins	Kooiman	Plakas	Wojno
Farhat	LaSata	Reeves	Woodward
Farrah	Law	Rivet	Zelenko

In The Chair: Ehardt

Rep. Palmer, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

This morning, I am registering a no vote on House Joint Resolution W for reasons related to my faith. As a practicing Catholic, I cannot in good conscience support a resolution that may lead to the imposition of Capital punishment in Michigan. As Catholics, we believe that state-sanctioned killing perpetuates the culture of death. Moreover, I do believe that death is the easy way out for first degree murderers that are the focus of this resolution. Yes, these crimes are heinous, but vengeance for vengeance’s sake is not the answer. We do however, need reform of our criminal justice system so such criminals are not cuddled, and protected from a harsh existence as a result of their actions.

Moreover, there is ample evidence that the death penalty does not provide greater protection to the public from aggressive criminals. Also, there is similar evidence that the death penalty is not a deterrent to murder. Too often, the human error rate of death penalty convictions results in the state executing innocent people. Statistics also show that the death penalty is actually more costly to taxpayers than life imprisonment.

Capital punishment is a simplistic solution to a complex problem that I cannot support. Most significantly, I cannot in good conscience violate my total commitment to life and my pro-life positions to protect all life from conception to natural death. The upholding of the dignity of all human life, including someone who has done great evil, is paramount, and what it means to practice the Christian life- to be Christ-like.

Therefore, I am voting no, and respectfully reject this resolution, consistent with my long-standing position on this issue since first taking moral positions as an adult.”

Rep. Kooiman, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

While I sympathize with the surviving family members of the victims of first degree murder, and sympathize with the sentiments of those seeking capital punishment for crimes of heinous nature, I voted against HJR W today as a result of my fundamental belief in the value of human life, the opportunity for forgiveness, and ultimate punishment by the Creator of the perpetrators of the crime.

While the focus of the Old Testament is clearly on justice and supports capital punishment for murder (as well as for adultery and numerous other sins), the clear and primary focus of the New Testament is on the forgiveness all can receive in Christ who the ultimate penalty for their sins.

Even with the amendment requiring absolute certainty, we are still dealing with a judicial system made up of humans with their own sense of right or wrong, and their own human frailties and prejudices.

I am not convinced that capital punishment is a deterrent to crime. I am concerned that capital punishment in the United States is not swift, nor is our justice system without error.

Ultimately, I voted against the resolution because of my reservations about our justice system, my own unwillingness to be responsible for taking the life of a human created by God, and my belief that there is an opportunity for all (no matter how cruel their crime) to come to a personal commitment to Jesus Christ who paid the ultimate penalty for their sins.”

Rep. Ehardt, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

My nay vote, on this joint resolution regarding the death penalty, was given today for the following reasons.

The death penalty undermines the sanctity of human life and the dignity of the human person. The state has a duty to protect human life, and should not be in the business of taking human lives. State-sanctioned killing perpetuates the culture of death.

The death penalty does not provide greater protection to the public from aggressive criminals. The law in Michigan requires life imprisonment without parole for convicted first-degree murderers. Our prison systems ensure these criminals are not a threat to public safety. The death penalty is unnecessary to secure public safety in Michigan.

The death penalty is not an effective deterrent to murder. In July of 2000, the New York Times analyzed homicide dates since 1972 and found those states with capital punishment had homicide rates that were no lower than those states that did not have the death penalty as a punishment option.

The state of Michigan has a proud and longstanding tradition of opposing the death penalty.

In 1846 Michigan became the first English-speaking jurisdiction to outlaw capital punishment, and in 1963 the citizens of Michigan approved a new state constitution, which banned the penalty.

The death penalty is more costly to taxpayers than life imprisonment. Indiana’s Criminal Law Study Commission found that the total costs of the death penalty exceed the complete cost of life without parole sentences by approximately 38 percent. The death penalty costs North Carolina, for example, \$2.16 million per execution over the costs of non-death penalty murder case with a sentence of imprisonment for life.

The restoration of the death penalty is a simplistic solution to complex problems. Numerous factors cause increases in crime rates. The law must consider all of these causes in order to provide effective solutions. Public policy should never be developed in response to a specific occurrence, no matter how gruesome or heinous.

When the death sentence is removed as a possible punishment, more convictions are possible with less delays.

Unequal application of the law takes place because those executed are often the poor, the ignorant, and the unfortunate without resources.

A trial where a life may be at stake is highly sensationalized, adversely affects the administration of justice, and is bad for the community.

Too often, the human error rate of death penalty convictions results in the state executing innocent people. Since 1973, 113 previously convicted criminals have been removed from death row because their innocence was discovered. The judicial branch of government is a human institution subject to human error.

If the citizens of this state believe that this item should be put on the ballot, I would ask them to please work together to achieve the signatures necessary so that this issue may be on the ballot. I cannot, in good conscience, put this issue on the ballot for them.”

Rep. Waters, having reserved the right to explain her nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted NO on HJR W for the following reasons, which echo the sentiments expressed this week by Congressman John Conyers, Jr.

Despite the protections that the United States Constitution strives to guarantee in our criminal justice system, a great many persons convicted and sentenced to death across the country, now and in the past, have been convicted erroneously. This tragic fact has been brought to light increasingly in the past few years, as re-examinations of DNA and other evidence in cases that have sent inmates to death-row have shown that our criminal justice system does, fairly often, convict the wrong person.

For that reason, I am deeply disappointed by efforts in the Legislature this week to allow the death penalty in Michigan.

House Joint Resolution W would take Michigan backwards in the ongoing battle to improve our criminal justice system. In states that currently provide for a death penalty, its implementation is deeply flawed. Defendants accused of committing capital crimes rarely receive adequate legal representation, and studies reveal a definite racially discriminatory impact upon certain minorities.

A study of all capital cases in the United States from 1973-1995 documented a national error rate of sixty-eight percent. Of those cases, the single most common cause of reversible error was incompetent defense lawyering, which accounted for thirty-seven percent of all state post-conviction reversals.

Human beings are fallible - those both in and outside this Legislature, and those both in and outside our courtrooms. And human lives are vulnerable, not only to acts of violence carried out by individual criminal perpetrators, but also to acts of violence carried out by governments and persons acting under authority of law.

The potential cost of human error, of human fallibility, in the implementation of a policy whereby the state is authorized to execute persons is just too great, and just too final.”

Reps. Law, Zelenko and Dennis, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Joint Resolution W (HJR W) because I am not convinced re-instating capital punishment in the state of Michigan is the appropriate answer to senseless violence. My heart goes out to not just the families of Jennifer Fettig and Matthew Bowens, City of Detroit police officers slain last month while on duty, but also to anyone who has tragically suffered the loss of a loved. However, there are many flaws that exist within the criminal justice system and capital punishment jurisdictions that cast a deep shade of doubt on whether true justice is a reality in America. These flaws have caused systematic failures where truly innocent individuals are incarcerated for years or sentenced to death for crimes that they did not commit. Whereas DNA has served as a ‘saving grace’ for those individuals who were convicted based on physical evidence, many unresolved issues exist with those convicted based on law enforcement and prosecutorial misconduct, false eyewitness accounts, and fabricated confessions. I am also concerned with the inherent aspects of biasness and unfairness within the criminal justice system in its entirety. All of these reasons cumulatively have resulted in other states following the lead of Illinois in either placing or considering a moratorium on the death penalty.

Many are also unaware of the fiscal impact that will be imposed on this state by re-instating the death penalty. A combination of start-up, pre-trial, trial, and post-conviction costs will drain resources from other more effective and proven measures that would tend to better address violent crime in the long-term such as community policing, drug rehabilitation, drug court initiatives, and community mental health programs. Michigan should not follow the lead of those states that have poured literally millions of dollars into the death penalty, yet have not experienced a reduction in crime.

Michigan has not had the death penalty in nearly 160 years. Our state’s prohibition represents the longest-lived death penalty prohibition of any English-speaking jurisdiction in the world. It is a unique standard for which I am very proud to support by voting no on HJR W.”

Rep. Bieda, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

It is my understanding that in States that have the death penalty, lethal injection is the most common method of execution. A vein is found, but prior to the injection the area is dabbed with alcohol (to fight infection) and then the lethal injection is given. How ironic. Similarly, today we have heard the argument that because we value life, we must take life.

I respectfully disagree. I believe that Michigan got it right in 1847 when it became the first state to abolish the death penalty after an innocent man had been hanged. Today, eleven other states and the District of Columbia have also abolished the death penalty. No state has passed death penalty reinstatement legislation since 1995. Indeed the trend has been in the other direction — to restrict the death penalty, impose a moratorium or repeal it.

This trend began in 2000 when the pro-death penalty Republican Governor George Ryan of Illinois ordered a moratorium on all executions after nearly presiding over the execution of an innocent person. Governor Ryan established a high profile bipartisan commission with the mission of creating a death penalty system where he could be sure that no innocent person would be executed. The Commission met for two years and made a detailed report including over 185 recommendations on how to improve the death penalty in Illinois but ultimately determined that the only way to make sure that an innocent person is not executed is to abolish the death penalty.

Since 1973 113 people have been released from death row with evidence of their innocence. 21 within the last six years.

The amended legal test of this resolution, one of ‘Absolute Certainty’ is a new legal term that sounds good, yet does not offer any legal precedent. Likewise, the term ‘moral certainty’ test that the original Resolution contained actually requires less proof of guilt than the standard ‘reasonable doubt’ test as recognized by the United States Supreme Court. See *Hopt v Utah* (1887). In 1990 the Court actually reversed the first degree murder conviction of a defendant where the judge instructed the jury that the standard of proof required for conviction was ‘moral certainty’ that the defendant was guilty. The Court held that the phrase ‘moral certainty’ could have been interpreted by a reasonable juror as allowing a finding of guilt based on a degree of proof below that required by the due process clause of the United States Constitution. *Cage v Louisiana* (1990). Following this decision, Michigan actually eliminated the ‘moral certainty’ standard from the Michigan Standard Criminal Jury Instructions.

Lastly, I find great wisdom in the recent Homily of Cardinal Maida in which he noted that ‘our natural human reaction to violence and evil is quite often a desire for revenge, and yet, we know that going down such a path only escalates the cycle of violence. A violent response does not liberate us but enmeshes us in the very evil we are trying to correct.’ Thus I voted no.”

Rep. Julian moved to reconsider the vote by which the House did not adopt the joint resolution. The motion prevailed, a majority of the members serving voting therefor. The question being on the adoption of the joint resolution,

Rep. Julian moved that consideration of the joint resolution be postponed for the day. The motion prevailed.

Introduction of Bills

Reps. Palsrok, Walker, Gaffney, Sheen, Vander Veen, Stahl, Emmons, DeRoche, Mortimer, Stakoe, Kooiman, Rocca, Woronchak, Meyer, Ruth Johnson, Newell, Taub, Bradstreet, Sak, Nofs, Casperson, Farhat and Pappageorge introduced **House Bill No. 5663, entitled**

A bill to create a child protection registry; to prohibit the sending of certain communications to registered contact points; to proscribe the powers and duties of certain state agencies and officials; and to provide for penalties and remedies.

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

Reps. Stakoe, Stahl, Wenke, Nofs, Hune, Jamnick, Pastor, Gaffney, LaJoy, Amos, Accavitti, Moolenaar, Acciavatti, Robertson, Mortimer, Tobocman, Gleason, Taub, Farhat, Ward and Casperson introduced

House Bill No. 5664, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 18401, 18413, and 18421 (MCL 333.18401, 333.18413, and 333.18421), section 18421 as amended by 1993 PA 79.

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

Reps. Bradstreet, Casperson, Stahl, LaJoy, Garfield, Nitz, Ward, Brown and Farhat introduced

House Bill No. 5665, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” (MCL 18.1101 to 18.1594) by adding section 261c.

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

Reps. Walker, Moolenaar, Ward and Emmons introduced

House Bill No. 5666, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 101 (MCL 388.1701), as amended by 2003 PA 158.

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

Rep. Julian introduced

House Bill No. 5667, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending section 11 (MCL 205.431).

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

Rep. Julian introduced

House Bill No. 5668, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” by amending sections 2 and 8 (MCL 205.422 and 205.428), as amended by 1997 PA 187.

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

Reps. Gaffney, Amos, Wenke, Meyer, Nofs, Woronchak, Ward, Howell, Hune, Smith, Stakoe and Farhat introduced **House Bill No. 5669, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 260 (MCL 206.260), as amended by 1996 PA 484.

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

Rep. Pappageorge introduced

House Bill No. 5670, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending sections 24, 41, 42, 45, 45a, 51, and 52 (MCL 24.224, 24.241, 24.242, 24.245, 24.245a, 24.251, and 24.252), sections 24, 41, 42, 45, 45a, and 52 as amended by 2004 PA 23.

The bill was read a first time by its title.

Pending the reference of the bill to a committee,

Rep. Richardville moved that Rules 44 and 45 be suspended.

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

Rep. Richardville moved that the bill be placed on the order of Second Reading of Bills and laid over one day.

The motion prevailed.

By unanimous consent the House returned to the order of

Second Reading of Bills

Senate Bill No. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4)* previously recommended by the Committee on Health Policy,

The substitute (H-4)* was not adopted, a majority of the members serving not voting therefor.

Rep. Ehardt moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Adamini moved to amend the bill as follows:

1. Amend page 5, line 6, by striking out all of section 18233.

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

Rep. Adamini moved to amend the bill as follows:

1. Amend page 21, line 14, by striking out all of section 18712.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 19, line 11, after "**license**" by inserting "**renewal**".

2. Amend page 19, line 16, after "**department**" by inserting a comma and "**in consultation with the board,**".

3. Amend page 19, line 19, after "**attended**" by striking out "**training**" and inserting "**continuing education**".

4. Amend page 19, line 21, after "**department**" by inserting a comma and "**in consultation with the board,**".

5. Amend page 19, line 25, after "**The**" by striking out "**board**" and inserting "**department**".

6. Amend page 20, line 2, by striking out the balance of the section.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

Rep. Huizenga moved that Rep. DeRoche be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 189, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2001 PA 139 and sections 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, and 18516.

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

Roll Call No. 144

Yeas—98

Accavitti	Gielegem	Meyer	Sheltrown
Acciavatti	Gillard	Middaugh	Shulman
Adamini	Gleason	Minore	Smith
Amos	Hager	Moolenaar	Spade
Anderson	Hardman	Murphy	Stakoe
Bieda	Hart	Newell	Steil
Bisbee	Hood	Nitz	Stewart
Brandenburg	Hopgood	O'Neil	Tabor
Brown	Howell	Palmer	Taub
Byrum	Huizenga	Palsrok	Tobocman
Casperson	Hummel	Pappageorge	Vagnozzi
Caswell	Hunter	Pastor	Van Regenmorter
Caul	Jamnick	Phillips	Vander Veen
Cheeks	Johnson, Rick	Plakas	Voorhees
Clack	Johnson, Ruth	Pumford	Walker
Condino	Julian	Reeves	Ward
Daniels	Koetje	Richardville	Waters
Dennis	Kolb	Rivet	Wenke
DeRossett	Kooiman	Robertson	Whitmer
Ehardt	LaJoy	Rocca	Williams
Elkins	LaSata	Sak	Wojno
Emmons	Law	Shackleton	Woodward
Farhat	Lipsey	Shaffer	Woronchak
Farrah	McConico	Sheen	Zelenko
Gaffney	Meisner		

Nays—8

Bradstreet	Garfield	Hune	Nofs
Drolet	Hoogendyk	Milosch	Stahl

In The Chair: Julian

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

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

A bill 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 16263, 16348, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 (MCL 333.16263, 333.16348, 333.18501, 333.18503, 333.18505, 333.18507, 333.18509, 333.18511, 333.18513, and 333.18515), section 16263 as amended by 2004 PA 3 and sections 16348, 18501, 18503, 18505, 18507, 18509, 18511, 18513, and 18515 as added by 2000 PA 11, and by adding sections 18504, 18506, 18506a, 18516, 18517, and 18518.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 206, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16323a and part 168.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Health Policy,

The substitute (H-4) was not adopted, a majority of the members serving not voting therefor.

Rep. Ehardt moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 11, line 16, after “**education**” by striking out the balance of the subsection and inserting “**courses or programs related to the practice of audiology and designed to further educate licensees.**”.

2. Amend page 11, line 18, after “**The**” by striking out “**board**” and inserting “**department**”.

3. Amend page 11, line 22, after “**program.**” by striking out the balance of the subsection.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 206, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2001 PA 139, and by adding section 16323a and part 168.

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

Roll Call No. 145

Yeas—98

Accavitti
Acciavatti

Garfield
Gielegem

Meisner
Meyer

Sheltrown
Shulman

Adamini	Gillard	Middaugh	Smith
Amos	Gleason	Minore	Spade
Anderson	Hager	Moolenaar	Stakoe
Bieda	Hardman	Murphy	Steil
Bisbee	Hart	Newell	Stewart
Brandenburg	Hood	Nitz	Tabor
Brown	Hopgood	O'Neil	Taub
Byrum	Howell	Palmer	Tobocman
Casperson	Huizenga	Palsrok	Vagnozzi
Caswell	Hummel	Pappageorge	Van Regenmorter
Caul	Hunter	Pastor	Vander Veen
Cheeks	Jamnack	Phillips	Voorhees
Clack	Johnson, Rick	Plakas	Walker
Condino	Johnson, Ruth	Pumford	Ward
Daniels	Julian	Reeves	Waters
Dennis	Koetje	Richardville	Wenke
DeRossett	Kolb	Rivet	Whitmer
Ehardt	Kooiman	Robertson	Williams
Elkins	LaJoy	Rocca	Wojno
Emmons	LaSata	Sak	Woodward
Farhat	Law	Shackleton	Woronchak
Farrah	Lipsey	Shaffer	Zelenko
Gaffney	McConico		

Nays—8

Bradstreet	Hoogendyk	Milosch	Sheen
Drolet	Hune	Nofs	Stahl

In The Chair: Julian

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

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

A bill 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 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 3, and by adding section 16323a and part 168.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5491, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1080.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5491, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 1080.

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

Roll Call No. 146

Yeas—106

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

Nays—0

The House agreed to the title of the bill.

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

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

Reps. Hardman, Daniels, McConico, Anderson, Stewart, O'Neil, Rocca, Drolet, Minore, Zelenko, Kolb, Jamnick, Spade, Murphy, Voorhees, Hager, Hummel, Vander Veen, Dennis, Howell, Williams, Pumford, Adamini, Brown, Farrah, Hopgood, Law, Bieda, Meisner, Clack, Condino, Vagnozzi, Taub, Accavitti, Stakoe, Hune, Gleason, Milosch, Ward, Van Regenmorter, Sak, Stahl, Huizenga, Elkins, Moolenaar, Gillard and Casperson were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Energy and Technology,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4187, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2701) by adding section 312c.

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

Roll Call No. 147

Yeas—106

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gielegem	Meyer	Sheltrown
Adamini	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Murphy	Stakoe
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O'Neil	Taub
Casperson	Huizenga	Palmer	Tobocman
Caswell	Hummel	Palsrok	Vagnozzi
Caul	Hune	Pappageorge	Van Regenmorter
Cheeks	Hunter	Pastor	Vander Veen
Clack	Jamnick	Phillips	Voorhees
Condino	Johnson, Rick	Plakas	Walker
Daniels	Johnson, Ruth	Pumford	Ward
Dennis	Julian	Reeves	Waters
DeRossett	Koetje	Richardville	Wenke
Drolet	Kolb	Rivet	Whitmer
Ehardt	Kooiman	Robertson	Williams

Elkins
Emmons
Farhat
Farrah
Gaffney

LaJoy
LaSata
Law
Lipsey
McConico

Rocca
Sak
Shackleton
Shaffer

Wojno
Woodward
Woronchak
Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 198.

A resolution to memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs.

(For text of resolution, see House Journal No. 11, p. 160.)

(The resolution was reported by the Committee on Transportation on March 11, with substitute (H-1), consideration of which, under the rules, was postponed until March 16.)

(For substitute, see House Journal No. 21, p. 368.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

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

The question being on the adoption of the resolution,

The resolution was adopted.

Third Reading of Bills

Senate Bill No. 841, entitled

A bill to create certain offices in the Michigan economic development corporation; to provide for the appointment of certain officers with the advice and consent of the senate; and to impose certain duties and responsibilities on those officers and on certain state employees and public employees.

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

Roll Call No. 148

Yeas—55

Acciavatti
Amos
Bisbee
Bradstreet
Casperson
Caswell
Caul
DeRossett
Drolet
Emmons
Farhat

Howell
Huizenga
Hummel
Hune
Johnson, Rick
Johnson, Ruth
Julian
Koetje
Kooiman
LaJoy
LaSata

Moolenaar
Newell
Nitz
Nofs
Palmer
Palsrok
Pappageorge
Pastor
Pumford
Richardville
Rocca

Stahl
Stakoe
Steil
Stewart
Tabor
Taub
Van Regenmorter
Vander Veen
Voorhees
Walker
Ward

Gaffney
Hager
Hart

Meyer
Middaugh
Milosch

Shackleton
Shaffer
Shulman

Wenke
Woronchak

Nays—50

Accavitti
Adamini
Anderson
Bieda
Brandenburg
Brown
Byrum
Cheeks
Clack
Condino
Daniels
Dennis
Elkins

Farrah
Garfield
Gielegem
Gillard
Gleason
Hardman
Hood
Hoogendyk
Hopgood
Hunter
Jamnick
Kolb
Law

Lipsey
McConico
Meisner
Minore
Murphy
O'Neil
Phillips
Plakas
Reeves
Rivet
Robertson
Sak

Sheen
Sheltrown
Smith
Spade
Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Woodward
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in certain immigration matters; to set standards involving certain immigration matters and persons engaged in immigration matters; to provide for certain powers and duties for certain state and local agencies; to provide for the imposition of certain fees; and to provide for remedies and penalties.

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

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 6, line 10, by striking out all of subsection (3) and inserting:

“(3) In order to cover the costs of developing, maintaining, and administering the registry, the department shall impose the following fees:

(a) An application fee of \$250.00 for any of the following:

(i) Original placement on the registry.

(ii) Renewal applications received more than 60 days after the expiration date of a listing on the registry.

(iii) Application for reactivation of a listing on the registry that was removed by the department for noncompliance with this act or by an order of a court.

(b) Renewal registry fee for a 3-year period in the amount of \$90.00.

(c) A late fee of \$20.00 for renewals received up to 60 days following the expiration date of the listing on the registry.

(d) A fee of \$20.00 for changes to a current listing on the registry record, including, but not limited to, address, name, or bond information.”.

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 12, line 16, after “first” by striking out “violation” and inserting “conviction”.
 2. Amend page 12, line 19, after “subsequent” by striking out “violation” and inserting “conviction”.
- The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 2, line 27, after “any” by striking out “person” and inserting “individual”.
2. Amend page 3, line 5, after “any” by striking out “person” and inserting “individual”.
3. Amend page 3, line 10, after the second “any” by striking out the balance of the line through the second “person” on line 11 and inserting “individual for the benefit of that individual or another individual”.
4. Amend page 3, line 13, after “any” by striking out “person” and inserting “individual”.
5. Amend page 4, line 9, after “reputable” by striking out the balance of the line through “person” on line 11 and inserting “individual who has a personal, family, or business relationship with the individual subject to the immigration matter and is engaged in an immigration matter for that individual”.
6. Amend page 4, line 15, after “any” by striking out “person” and inserting “individual”.
7. Amend page 4, line 17, after “Any” by striking out “organization or person” and inserting “individual representing or acting on behalf of an organization”.
8. Amend page 6, line 6, after “each” by striking out the balance of the line through “person’s” on line 7 and inserting “individual listed on the registry the individual’s”.
9. Amend page 6, line 10, after “entering” by striking out the balance of the line through “person” on line 11 and inserting “an individual”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Huizenga moved to amend the bill as follows:

1. Amend page 10, line 23, by striking out all of subdivision (I) and relettering the remaining subdivisions.
- The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Tobocman moved to amend the bill as follows:

1. Amend page, 13, line 20, after “is” by inserting “acting on behalf of”.
- The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4983, entitled

A bill to regulate certain transactions involved in certain immigration matters; to set standards involving certain immigration matters and persons engaged in immigration matters; to provide for certain powers and duties for certain state and local agencies; to provide for the imposition of certain fees; and to provide for remedies and penalties.

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

Roll Call No. 149

Yeas—102

Accavitti	Garfield	Meyer	Sheltrown
Acciavatti	Gielegem	Middaugh	Shulman
Adamini	Gillard	Milosch	Smith
Amos	Gleason	Minore	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hardman	Murphy	Stakoe
Bisbee	Hart	Newell	Steil
Bradstreet	Hood	Nitz	Stewart
Brandenburg	Hopgood	Nofs	Tabor
Brown	Howell	O’Neil	Taub

Byrum	Huizenga	Palmer	Tobocman
Casperson	Hummel	Palsrok	Vagnozzi
Caswell	Hunter	Pappageorge	Van Regenmorter
Caul	Jamnick	Pastor	Vander Veen
Cheeks	Johnson, Rick	Phillips	Voorhees
Clack	Johnson, Ruth	Plakas	Walker
Condino	Julian	Pumford	Ward
Daniels	Koetje	Reeves	Waters
Dennis	Kolb	Richardville	Wenke
DeRossett	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak
Farrah	McConico	Shaffer	Zelenko
Gaffney	Meisner		

Nays—4

Drolet	Hoogendyk	Hune	Sheen
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In The Chair: Julian

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

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

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

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 4984, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Criminal Justice,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4984, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2002 PA 475.

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

Roll Call No. 150**Yeas—105**

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

Nays—1

Drolet

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 4361, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416d.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 1, line 8, by striking out all of subsection (2) and inserting:

"(2) Effective January 1, 2005, a group or nongroup certificate that provides coverage for obstetrical and gynecological services shall include coverage for obstetrical and gynecological services whether performed by a

physician or a nurse midwife acting within the scope of his or her license or specialty certification or shall do 1 or both of the following:

(a) Offer to provide obstetrical and gynecological services whether performed by a physician or a nurse midwife acting within the scope of his or her license or specialty certification.

(b) Offer to provide maternity services and gynecological services rendered during pre- and post-natal care whether performed by a physician or a nurse midwife acting within the scope of his or her license or specialty certification.”.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4361, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 416d.

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

Roll Call No. 151

Yeas—104

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

Nays—2

Brandenburg

Drolet

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. Waters, McConico, O'Neil, Phillips, Minore, Kolb, Richardville, Lipsey, Voorhees, Hood, Law, Gleason, Milosch, Shaffer, Ward, Huizenga, Elkins and Gillard were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4362, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Health Policy,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 1, line 8, by striking out all of subsection (2) and inserting:

"(2) Effective January 1, 2005, a health maintenance organization contract and an expense-incurred hospital, medical, or surgical policy or certificate that provides coverage for obstetrical and gynecological services shall include coverage for obstetrical and gynecological services whether performed by a physician or a nurse midwife acting within the scope of his or her license or specialty certification or shall do 1 or both of the following:

(a) Offer to provide obstetrical and gynecological services whether performed by a physician or a nurse midwife acting within the scope of his or her license or specialty certification.

(b) Offer to provide maternity services and gynecological services rendered during pre- and post-natal care whether performed by a physician or a nurse midwife acting within the scope of his or her license or specialty certification."

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4362, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406l.

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

Roll Call No. 152

Yeas—101

Acciavatti	Gleason	Meyer	Sheen
Adamini	Hager	Middaugh	Sheltrown
Amos	Hardman	Milosch	Shulman
Anderson	Hart	Minore	Smith
Bieda	Hood	Moolenaar	Spade
Bisbee	Hoogendyk	Murphy	Stahl
Bradstreet	Hopgood	Newell	Stakoe
Brown	Howell	Nitz	Steil
Byrum	Huizenga	Nofs	Stewart
Casperson	Hummel	O'Neil	Tabor
Caswell	Hune	Palmer	Tobocman
Caul	Hunter	Palsrok	Vagnozzi

Cheeks	Jamnick	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRossett	Kolb	Reeves	Waters
Elkins	Kooiman	Richardville	Wenke
Emmons	LaJoy	Rivet	Whitmer
Farhat	LaSata	Robertson	Williams
Farrah	Law	Rocca	Wojno
Gaffney	Lipsey	Sak	Woodward
Garfield	McConico	Shackleton	Woronchak
Gielegghem	Meisner	Shaffer	Zelenko
Gillard			

Nays—3

Brandenburg Drolet Taub

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Reps. McConico, Stewart, O'Neil, Phillips, Kolb, Richardville, Lipsey, Murphy, Voorhees, Newell, Hood, Law, Clack, Gleason, Shaffer, Ward, Sak, Huizenga, Elkins, Palsrok and Gillard were named co-sponsors of the bill.

Second Reading of Bills

Senate Bill No. 829, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

The bill was read a second time.

Rep. Howell moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 829, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 517 (MCL 600.517), as amended by 2002 PA 715.

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

Roll Call No. 153

Yeas—97

Accavitti	Gielegghem	Meisner	Sheltrown
Acciavatti	Gillard	Meyer	Shulman

Adamini	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Murphy	Stakoe
Brandenburg	Hood	Newell	Steil
Brown	Howell	Nitz	Stewart
Byrum	Huizenga	O'Neil	Tabor
Casperson	Hummel	Palmer	Tobocman
Caswell	Hune	Palsrok	Vagnozzi
Caul	Hunter	Pappageorge	Van Regenmorter
Cheeks	Jamnick	Pastor	Vander Veen
Clack	Johnson, Rick	Phillips	Voorhees
Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Farhat	Law	Sak	Woodward
Farrah	Lipsey	Shackleton	Woronchak
Gaffney	McConico	Shaffer	Zelenko
Garfield			

Nays—9

Amos	Hoogendyk	Middaugh	Sheen
Bradstreet	Hopgood	Nofs	Taub
Emmons			

In The Chair: Julian

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

“An act to revise 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.”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5381, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 28.

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

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 4, following line 2, by inserting:

“(g) A state or federal tax lien.”.

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

Rep. Adamini moved to amend the bill as follows:

1. Amend page 2, line 24, after “**lien**” by striking out “**need not**” and inserting “**shall**”.

2. Amend page 2, line 25, after “**property.**” by inserting “**The reasonable expense of obtaining a legal description of the debtor’s interest in real property may be taxed and awarded as costs to the judgment creditor.**”.

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

Rep. Adamini demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 154

Yeas—12

Adamini	Gleason	Phillips	Whitmer
Anderson	Minore	Sheltrown	Williams
Gillard	Murphy	Van Regenmorter	Zelenko

Nays—89

Accavitti	Gaffney	Lipsey	Sak
Acciavatti	Garfield	McConico	Shackleton
Amos	Gielegem	Meisner	Shaffer
Bieda	Hager	Meyer	Sheen
Bisbee	Hardman	Middaugh	Shulman
Bradstreet	Hart	Milosch	Spade
Brandenburg	Hoogendyk	Moolenaar	Stahl
Brown	Howell	Newell	Stakoe
Byrum	Huizenga	Nitz	Steil
Casperson	Hummel	Nofs	Stewart
Caswell	Hune	O’Neil	Tabor
Caul	Hunter	Palmer	Taub
Cheeks	Jamnick	Palsrok	Tobocman
Clack	Johnson, Rick	Pappageorge	Vagnozzi
Condino	Johnson, Ruth	Pastor	Vander Veen
Daniels	Julian	Plakas	Voorhees
Dennis	Koetje	Pumford	Walker
DeRossett	Kolb	Reeves	Ward
Drolet	Kooiman	Richardville	Wenke
Ehardt	LaJoy	Rivet	Wojno
Emmons	LaSata	Robertson	Woodward
Farhat	Law	Rocca	Woronchak
Farrah			

In The Chair: Julian

Rep. LaSata moved to amend the bill as follows:

1. Amend page 7, following line 23, by inserting:

“Enacting section 1. This amendatory act takes effect September 1, 2004.”.

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

Rep. LaSata moved to amend the bill as follows:

1. Amend page 7, line 23, after “**chapter.**” by inserting “**At the time the judgment debtor makes a conveyance, as that term is defined in section 35 of 1846 RS 65, MCL 565.35, of, sells under an executory contract, or**

refinances the interest in real property that is subject to the judgment lien, the judgment debtor shall pay the amount due to the judgment creditor, as determined under section 2807(3), to the judgment creditor.”.

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

Rep. Taub moved to amend the bill as follows:

1. Amend page 2, line 27, after “**by**” by striking out “**first-class**” and inserting “**certified**”.

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

Rep. LaSata moved to amend the bill as follows:

1. Amend page 2, line 26, after “**(3)**” by striking out “**A**” and inserting “**Except as provided by subsection (4), a**”.

2. Amend page 3, following line 3, by inserting:

“(4) If the judgment that is the subject of the judgment lien is for \$25,000.00 or more, a copy of a notice of judgment lien that has been certified under subsection (1) shall be personally served on the judgment debtor and proof of service filed with the court that issued the judgment.”.

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5381, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9947) by adding chapter 28.

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

Roll Call No. 155

Yeas—101

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

Nays—4

Adamini

Amos

Huizenga

Sheltrown

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Bradstreet, Acciavatti, Garfield, Tobocman, Vander Veen, Shulman, Sak, Gielegheem, Tabor, Taub, Brandenburg, Caswell, DeRossett, Ehardt, Farhat, Hager, Koetje, Meyer, Middaugh, Minore, Pappageorge, Phillips, Plakas, Shaffer, Spade, Stakoe, Voorhees, Zelenko, Caul, Gillard, Jamnick, Lipsey, Murphy and Sheltrown offered the following resolution:

House Resolution No. 220.

A resolution commemorating April 2004 as Raise the Flags and Dig Safely Month.

Whereas, The first week of April, traditionally the beginning of the construction season, will be known as Raise the Flags and Dig Safely Month; and

Whereas, There continues to be increased construction activity in the state of Michigan. The growth has led to an expansion in damages to underground facilities, which consist of cables and pipes located under the grounds surface. At times, these incidents have resulted in the loss of property and even serious injury to Michigan citizens. Annually, about 10,000 recorded incidents of damages to underground facilities occur in the state. Michigan's major gas, electric, and telecommunication companies, as well as other associated groups, including the AUC: Michigan's Heavy Construction Association, MISS DIG System, Inc., and the Michigan Public Service Commission, have come together to develop and implement the best practices designed to decrease such incidents in the future; and

Whereas, The Raise the Flags campaign, sponsored by a utility consortium, draws attention to the need to call MISS DIG. Many people do not know that under Michigan law, MISS DIG must be called at least three working days before beginning a construction project, which can be as simple as planting a tree, installing a mailbox post, or as complex as erecting an office building or making major road repairs. The campaign encourages contractors and the general public to call MISS DIG before digging, with the required time to allow for staking, respecting the staking flags, and digging carefully; and

Whereas, The Michigan Damage Prevention Board continues its work to increase public safety by developing and implementing appropriate best practices and education programs, which will reduce accidents resulting from damages to underground facilities. Participants on the board include AUC: Michigan's Heavy Construction Association, Associated Petroleum Industries of Michigan, Consumers Energy, Detroit Edison, Michigan Consolidated Gas, Michigan Electric and Gas Association, SBC, SEMCO Energy, Telecommunications Association of Michigan, MISS DIG Systems, Inc., and the Michigan Public Service Commission; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate April 2004 as Raise the Flags and Dig Safely Month; and be it further

Resolved, That Michigan's major gas, electric, and telecommunication companies, the AUC: Michigan's Heavy Construction Association, as well as other associated groups, be commended for coming together to find ways to decrease the number of incidents that damage underground facilities; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Damage Prevention Board as a reflection of our appreciation for its efforts to ensure public safety.

Pending the reference of the resolution to a committee,
Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.
The motion prevailed, 3/5 of the members present voting therefor.
The question being on the adoption of the resolution,
The resolution was adopted.

Reps. Bradstreet, Huizenga, McConico and Rivet offered the following resolution:

House Resolution No. 221.

A resolution to encourage the Public Service Commission to clarify the code of conduct established under MCL § 460.10a regarding an electric utility and regulated assets.

Whereas, Section 10a(4) of 1939 PA 3, as amended, being MCL § 460.10a, requires the Michigan Public Service Commission to adopt a code of conduct that would prohibit electric utilities from cross-subsidizing, sharing information, and giving preferential treatment between their regulated and unregulated services; and

Whereas, A code of conduct was established by the Michigan Public Service Commission on December 4, 2000, and subsequently amended and revised on October 29, 2001; and

Whereas, It has been publicly stated by all three members of the Michigan Public Service Commission that the code of conduct that was developed by the commission would not prohibit an appliance service affiliate from sharing vehicles, employees, office buildings, and equipment with the regulated service, given proper accounting safeguards; and

Whereas, It has been suggested by attorneys of a utility that is required to operate under the code of conduct that the language of the code of conduct does in fact require the utility to maintain separate vehicles, employees, office buildings, or equipment from its regulated service; and

Whereas, The Michigan Public Service Commission has the discretion and authority under MCL § 460.10a to establish, change, alter, or clarify the existing code of conduct; now, therefore, be it

Resolved by the House of Representatives, That we encourage the Michigan Public Service Commission to clarify the code of conduct established under MCL § 460.10a, to assure that there is no ambiguity in the wording that would result in a misinterpretation of the code of conduct with respect to the use of vehicles, employees, office buildings, and equipment. Specifically, we urge that the code of conduct be amended to allow for the sharing of vehicles, employees, office buildings, and equipment of a regulated utility with its appliance service affiliate, subject to appropriate, applicable accounting safeguards; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Public Service Commission.

The resolution was referred to the Committee on Energy and Technology.

Reps. Garfield, Caswell, Brandenburg, Ruth Johnson, Pastor, Nofs, Huizenga, Richardville, Hoogendyk, Woodward, Meyer, Amos, Moolenaar, LaJoy, Robertson, Bieda, Hummel, Zelenko, Rivet, Sheltrown, Lipsey, Farrah, Middaugh, Acciavatti, Daniels, DeRossett, Ehardt, Farhat, Gielegem, Koetje, Minore, Phillips, Sak, Shaffer, Shulman, Stakoe, Taub, Vander Veen, Voorhees, Caul, Gillard, Jamnick and Murphy offered the following resolution:

House Resolution No. 222.

A resolution to memorialize the Congress of the United States to make a stronger commitment to our nation's infrastructure.

Whereas, The condition of our nation's infrastructure is central to the strength of our country. From the safety of our drinking water and the quality of our waste treatment systems to the dependability of our telecommunications networks and the reliability of our transportation systems, the infrastructure touches every aspect of American life; and

Whereas, In spite of the level of our dependence upon this infrastructure, key facilities in every part of the country are facing major challenges. Roads, bridges, public buildings, dams, water systems, and parts of our communications systems are crumbling with age and from a lack of appropriate investments in maintenance over the years. Growth patterns and societal changes have also contributed to increasing demands on our infrastructure; and

Whereas, Limited public funds and financial demands of other policy issues have combined to reduce the nation's investment in its infrastructure relative to the nation's needs. Inadequate spending on infrastructure needs is short sighted. It places public safety at risk, jeopardizes the quality of our environment, and threatens the vitality of much of our national economy. Ignoring the maintenance needs of roads, bridges, water systems, and communications could end up far more costly to our country in the long run; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to make a stronger commitment to our nation's infrastructure; 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 Government Operations.

Reports of Standing Committees

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5072, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2974.

With the recommendation that the bill be referred to the Committee on Government Operations.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Pappageorge, Voorhees, Garfield, Lipsey, Bieda and Condino

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Government Operations.

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5648, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 18 and 18m of chapter XIIA (MCL 712A.18 and 712A.18m), section 18 as amended and section 18m as added by 2003 PA 71.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Pappageorge, Voorhees, Garfield, Lipsey, Adamini, Bieda and Condino

Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

Senate Bill No. 727, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7b (MCL 722.22 and 722.27b), section 2 as amended by 2002 PA 9 and section 7b as amended by 1996 PA 19.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Lipsey, Adamini and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 18, 2004

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Lipsey, Adamini, Bieda and Condino

Absent: Reps. Wenke and Smith

Excused: Reps. Wenke and Smith

The Committee on Commerce, by Rep. Bisbee, Chair, reported

House Bill No. 5643, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 77 (MCL 208.77), as amended by 1999 PA 115.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Koetje, Middaugh, Drolet, Huizenga, Hune, Milosch, Palsrok and Wenke

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 18, 2004

Present: Reps. Bisbee, DeRoche, Koetje, Middaugh, Drolet, Huizenga, Hune, Milosch, Palsrok, Wenke, Rivet, O'Neil, McConico, Tobocman and Accavitti

Absent: Reps. Howell, Palmer, Lipsey and Murphy

Excused: Reps. Howell, Palmer, Lipsey and Murphy

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

House Bill No. 5581, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 3 (MCL 388.1903).

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

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Voorhees, LaSata, Stakoe, Dennis and Hood

Nays: None

The Committee on Higher Education, by Rep. Voorhees, Chair, reported

House Bill No. 5582, entitled

A bill to amend 1996 PA 160, entitled "Postsecondary enrollment options act," by amending section 3 (MCL 388.513), as amended by 1997 PA 178.

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

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis and Hood

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 18, 2004

Present: Reps. Voorhees, Hart, LaSata, Stakoe, Dennis and Hood

Absent: Rep. Smith

Excused: Rep. Smith

The Committee on Senior Health, Security and Retirement, by Rep. Woronchak, Chair, reported
House Bill No. 5093, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," by amending section 33 (MCL 38.33), as amended by 2002 PA 93.

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 and laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Woronchak, Mortimer, Rocca, Tabor, Vander Veen, Vagnozzi and Zelenko

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Woronchak, Chair, of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, March 18, 2004

Present: Reps. Woronchak, Mortimer, Rocca, Tabor, Vander Veen, Vagnozzi and Zelenko

Absent: Reps. Pappageorge and Stallworth

Excused: Reps. Pappageorge and Stallworth

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 17, 2004

Present: Reps. Bradstreet, Huizenga, Middaugh, Bisbee, Casperson, Garfield, LaJoy, Nitz, Palsrok, Stahl, McConico, Rivet, Daniels, Woodward, Hopgood and Stallworth

Absent: Reps. LaSata, DeRoche and Murphy

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 18, 2004

Present: Reps. DeRossett, Casperson, Hummel, Gaffney, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason, Tobocman, Murphy and Elkins

Absent: Reps. DeRoche, Hune, Huizenga and Adamini

Excused: Reps. DeRoche, Hune, Huizenga and Adamini

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, March 18:

House Bill Nos. 5657 5658 5659 5660 5661 5662

The Clerk announced that the following Senate bills had been received on Thursday, March 18:

Senate Bill Nos. 647 847

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5386, entitled

A bill to authorize the state administrative board to transfer certain parcels of property in Jackson county.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5190, entitled

A bill to consolidate certain state human resource operations in the department of civil service; to create certain offices; and to impose certain duties and responsibilities on certain state officials and employees.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1) and ordered that it be given immediate effect.

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

Senate Bill No. 647, entitled

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 6 and 29 (MCL 408.1006 and 408.1029) and by adding section 32.

The Senate has passed the bill.

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

Senate Bill No. 847, entitled

A bill to amend 2002 PA 440, entitled "An act to authorize the state administrative board to convey certain state owned property in Macomb county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance," by amending sections 3 and 4.

The Senate has passed the bill.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Commerce from further consideration of **House Bill No. 5632**.

Rep. Rick Johnson

Rep. Bisbee moved that the House adjourn.

The motion prevailed, the time being 2:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 23, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

