

No. 22
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House of Representatives
94th Legislature
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House Chamber, Lansing, Wednesday, March 5, 2008.

1:30 p.m.

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

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

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—e/d/s	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—excused	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—excused	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—excused
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Joel A. Sheltroun, from the 103rd District, offered the following invocation:

“Father,

We come before You once again...asking for Your wisdom as we do the work of the people of Michigan.

Even though we realize how blessed we truly are..we do have many here in this state who are hurting,..no place to call home..little food to eat. As you command of us in Proverbs 14:31 ‘He who oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God.’ Help us to accomplish Your will.

We ask for Your wisdom in the coming election as we look for a new leader of this great nation.

We also pray for those who serve in the military..that they soon shall return to their families safely.

We pray for the leadership of this great state..for Speaker Dillon, for Leader Bishop and the Governor. We pray for wisdom for each and that Your will be accomplished in whatever we do.

We ask this all in Your name, Amen.”

Rep. Booher moved that Rep. Ball be excused from today’s session.
The motion prevailed.

Rep. Angerer moved that Reps. Lemmons and Virgil Smith be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5560, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81e.
The bill was read a second time.

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

The motion prevailed.

Rep. Angerer 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. 5560, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81e.
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 129

Yeas—93

Accavitti	Dillon	Jones, Rick	Polidori
Acciavatti	Donigan	Jones, Robert	Proos
Angerer	Ebli	Knollenberg	Robertson
Bauer	Elsenheimer	Lahti	Rocca
Bennett	Emmons	Law, David	Sak
Bieda	Espinoza	Law, Kathleen	Schuitmaker
Booher	Farrah	LeBlanc	Scott
Brandenburg	Gaffney	Leland	Shaffer
Brown	Gillard	Lindberg	Sheltroun
Byrnes	Gonzales	Marleau	Simpson
Byrum	Green	Mayes	Smith, Alma

Calley	Griffin	McDowell	Spade
Casperson	Hammel	Meadows	Stahl
Caul	Hammon	Meisner	Steil
Cheeks	Hansen	Melton	Tobocman
Clack	Hildenbrand	Miller	Vagnozzi
Clemente	Hood	Moore	Valentine
Condino	Hopgood	Moss	Walker
Constan	Horn	Nitz	Ward
Corriveau	Huizenga	Nofs	Warren
Coulouris	Hune	Palsrok	Wenke
Cushingberry	Jackson	Pavlov	Wojno
Dean	Johnson	Pearce	Young
DeRoche			

Nays—13

Agema	Hoogendyk	Moolenaar	Pastor
Amos	Meekhof	Opsommer	Sheen
Caswell	Meltzer	Palmer	Stakoe
Garfield			

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Reps. Bauer, Condino, Hammel, Hammon, Jackson, Johnson, Rick Jones, Robert Jones, David Law, Kathleen Law, Meadows, Nofs, Sak, Scott, Simpson and Young were named co-sponsors of the bill.

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

By making it a special crime against one group of people we have thereby excluded others. This bill also creates a type of hate crime and leaves no room for judge decisions. It fills our jails with a mandated sentence of 4 years at a cost of \$38,000. Must the state mandate every crime sentence?”

Rep. Palmer, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on this bill because I believe that creating different classes of victims of the same crime is a poor way to construct an effective and meaningful penal code. I am not indifferent to the potential dangers of operating a public transit vehicle, as my father drove a bus in the City of Detroit. We already have penalties for assault and battery on the books, penalties that are less severe than what these bills call for. I cannot support legislation that would degrade one class of victims at the expense of another.”

Second Reading of Bills

House Bill No. 5561, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer 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. 5561, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16d of chapter XVII (MCL 777.16d), as amended by 2005 PA 336.

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

Roll Call No. 130

Yeas—97

Accavitti	Dillon	Jones, Rick	Polidori
Acciavatti	Donigan	Jones, Robert	Proos
Angerer	Ebli	Knollenberg	Robertson
Bauer	Elsenheimer	Lahti	Rocca
Bennett	Emmons	Law, David	Sak
Bieda	Espinoza	Law, Kathleen	Schuitmaker
Booher	Farrah	LeBlanc	Scott
Brandenburg	Gaffney	Leland	Shaffer
Brown	Gillard	Lindberg	Sheen
Byrnes	Gonzales	Marleau	Sheltrown
Byrum	Green	Mayer	Simpson
Calley	Griffin	McDowell	Smith, Alma
Casperson	Hammel	Meadows	Spade
Caswell	Hammon	Meekhof	Stahl
Caul	Hansen	Meisner	Steil
Cheeks	Hildenbrand	Melton	Tobocman
Clack	Hood	Miller	Vagnozzi
Clemente	Hoogendyk	Moore	Valentine
Condino	Hopgood	Moss	Walker
Constan	Horn	Nitz	Ward
Corriveau	Huizenga	Nofs	Warren
Coulouris	Hune	Palsrok	Wenke
Cushingberry	Jackson	Pavlov	Wojno
Dean	Johnson	Pearce	Young
DeRoche			

Nays—9

Agema	Meltzer	Opsommer	Pastor
Amos	Moolenaar	Palmer	Stakoe
Garfield			

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

By making it a special crime against one group of people we have thereby excluded others. This bill also creates a type of hate crime and leaves no room for judge decisions. It fills our jails with a mandated sentence of 4 years at a cost of \$38,000. Must the state mandate every crime sentence?”

Rep. Palmer, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on this bill because I believe that creating different classes of victims of the same crime is a poor way to construct an effective and meaningful penal code. I am not indifferent to the potential dangers of operating a public transit vehicle, as my father drove a bus in the City of Detroit. We already have penalties for assault and battery on the books, penalties that are less severe than what these bills call for. I cannot support legislation that would degrade one class of victims at the expense of another.”

Second Reading of Bills

House Bill No. 5562, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81e. The bill was read a second time.

Rep. Condino 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. Condino moved to amend the bill as follows:

1. Amend page 1, line 5, after the first “**THAN**” by striking out “**4**” and inserting “**2**”.

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

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

The motion prevailed.

Rep. Angerer 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. 5562, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 81e. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 131

Yeas—94

Accavitti	Dillon	Jones, Robert	Polidori
Acciavatti	Donigan	Knollenberg	Proos
Angerer	Ebli	Lahti	Robertson
Bauer	Elsenheimer	Law, David	Rocca
Bennett	Emmons	Law, Kathleen	Sak
Bieda	Espinoza	LeBlanc	Schuitmaker
Booher	Farrah	Leland	Scott
Brandenburg	Gaffney	Lindberg	Shaffer
Brown	Gillard	Marleau	Sheltrown
Byrnes	Gonzales	Mayes	Simpson
Byrum	Green	McDowell	Smith, Alma
Calley	Griffin	Meadows	Spade

Casperson	Hammel	Meekhof	Stahl
Caul	Hammon	Meisner	Steil
Cheeks	Hansen	Melton	Tobocman
Clack	Hildenbrand	Miller	Vagnozzi
Clemente	Hood	Moore	Valentine
Condino	Hopgood	Moss	Walker
Constan	Horn	Nitz	Ward
Corriveau	Huizenga	Nofs	Warren
Coulouris	Hune	Palsrok	Wenke
Cushingberry	Jackson	Pavlov	Wojno
Dean	Johnson	Pearce	Young
DeRoche	Jones, Rick		

Nays—12

Agema	Garfield	Moolenaar	Pastor
Amos	Hoogendyk	Opsommer	Sheen
Caswell	Meltzer	Palmer	Stakoe

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Palmer, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I am voting no on this bill because I believe that creating different classes of victims of the same crime is a poor way to construct an effective and meaningful penal code. I am not indifferent to the potential dangers of operating a public transit vehicle, as my father drove a bus in the City of Detroit. We already have penalties for assault and battery on the books, penalties that are less severe than what these bills call for. I cannot support legislation that would degrade one class of victims at the expense of another.”

Rep. Agema, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

No special laws for particular people. Let the penalty fit the crime irregardless of who it’s against. I don’t like unnecessary law- this is one and it won’t prevent a crime, only fill our jails.”

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

Second Reading of Bills

House Bill No. 5700, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 7212 (MCL 333.7212), as amended by 2002 PA 710.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer 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. 5700, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7212 (MCL 333.7212), as amended by 2002 PA 710.

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

Roll Call No. 132

Yeas—106

Accavitti	Dillon	Knollenberg	Pearce
Acciavatti	Donigan	Lahti	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Bauer	Espinoza	Leland	Sak
Bennett	Farrah	Lindberg	Schuitmaker
Bieda	Gaffney	Marleau	Scott
Booher	Garfield	Mayer	Shaffer
Brandenburg	Gillard	McDowell	Sheen
Brown	Gonzales	Meadows	Sheltrown
Byrnes	Green	Meekhof	Simpson
Byrum	Griffin	Meisner	Smith, Alma
Calley	Hammel	Melton	Spade
Casperson	Hammon	Meltzer	Stahl
Caswell	Hansen	Miller	Stakoe
Caul	Hildenbrand	Moolenaar	Steil
Cheeks	Hood	Moore	Tobocman
Clack	Hoogendyk	Moss	Vagnozzi
Clemente	Hopgood	Nitz	Valentine
Condino	Horn	Nofs	Walker
Constan	Huizenga	Opsommer	Ward
Corriveau	Hune	Palmer	Warren
Coulouris	Jackson	Palsrok	Wenke
Cushingberry	Johnson	Pastor	Wojno
Dean	Jones, Rick	Pavlov	Young
DeRoche	Jones, Robert		

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7212, 7403, and 7404 (MCL 333.7212, 333.7403, and 333.7404), as amended by 2002 PA 710.

The motion prevailed.

The House agreed to the title as amended.
Rep. Angerer 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. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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

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

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

The motion prevailed.

Rep. Angerer 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. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 307 and 310 (MCL 257.307 and 257.310), section 307 as amended by 2006 PA 298 and section 310 as amended by 2005 PA 141.

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

Roll Call No. 133

Yeas—106

Accavitti	Dillon	Knollenberg	Pearce
Acciavatti	Donigan	Lahti	Polidori
Agema	Ebli	Law, David	Proos
Amos	Elsenheimer	Law, Kathleen	Robertson
Angerer	Emmons	LeBlanc	Rocca
Bauer	Espinoza	Leland	Sak
Bennett	Farrah	Lindberg	Schuitmaker
Bieda	Gaffney	Marleau	Scott
Booher	Garfield	Mayes	Shaffer
Brandenburg	Gillard	McDowell	Sheen
Brown	Gonzales	Meadows	Sheltrown
Byrnes	Green	Meekhof	Simpson
Byrum	Griffin	Meisner	Smith, Alma
Calley	Hammel	Melton	Spade
Casperson	Hammon	Meltzer	Stahl
Caswell	Hansen	Miller	Stakoe
Caul	Hildenbrand	Moolenaar	Steil
Cheeks	Hood	Moore	Tobocman
Clack	Hoogendyk	Moss	Vagnozzi
Clemente	Hopgood	Nitz	Valentine
Condino	Horn	Nofs	Walker
Constan	Huizenga	Opsommer	Ward
Corriveau	Hune	Palmer	Warren
Coulouris	Jackson	Palsrok	Wenke
Cushingberry	Johnson	Pastor	Wojno
Dean	Jones, Rick	Pavlov	Young
DeRoche	Jones, Robert		

Nays—0

In The Chair: Byrnes

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

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

A bill 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 307 and 310 (MCL 257.307 and 257.310), as amended by 2008 PA 7.

The motion prevailed.

The House agreed to the title as amended.

Rep. Angerer 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. 713, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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

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

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

The motion prevailed.

Rep. Angerer 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. 713, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13n of chapter XVII (MCL 777.13n), as amended by 2004 PA 215.

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

Roll Call No. 134**Yeas—106**

Accavitti
Acciavatti
Agema
Amos
Angerer

Dillon
Donigan
Ebli
Elsenheimer
Emmons

Knollenberg
Lahti
Law, David
Law, Kathleen
LeBlanc

Pearce
Polidori
Proos
Robertson
Rocca

Bauer	Espinoza	Leland	Sak
Bennett	Farrah	Lindberg	Schuitmaker
Bieda	Gaffney	Marleau	Scott
Booher	Garfield	Mayer	Shaffer
Brandenburg	Gillard	McDowell	Sheen
Brown	Gonzales	Meadows	Sheltrown
Byrnes	Green	Meekhof	Simpson
Byrum	Griffin	Meisner	Smith, Alma
Calley	Hammel	Melton	Spade
Casperson	Hammon	Meltzer	Stahl
Caswell	Hansen	Miller	Stakoe
Caul	Hildenbrand	Moolenaar	Steil
Cheeks	Hood	Moore	Tobocman
Clack	Hoogendyk	Moss	Vagnozzi
Clemente	Hopgood	Nitz	Valentine
Condino	Horn	Nofs	Walker
Constan	Huizenga	Opsommer	Ward
Corriveau	Hune	Palmer	Warren
Coulouris	Jackson	Palsrok	Wenke
Cushingberry	Johnson	Pastor	Wojno
Dean	Jones, Rick	Pavlov	Young
DeRoche	Jones, Robert		

Nays—0

In The Chair: Byrnes

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

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

The House agreed to the full title.

Rep. Angerer 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. 714, entitled

A bill to amend 1953 PA 181, entitled “An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and

to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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

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

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

The motion prevailed.

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

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

Rep. LaJoy entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 714, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 9 (MCL 52.209), as added by 2005 PA 176.

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

Roll Call No. 135

Yeas—107

Accavitti	Dillon	Knollenberg	Pearce
Acciavatti	Donigan	Lahti	Polidori
Agema	Ebli	LaJoy	Proos
Amos	Elsenheimer	Law, David	Robertson
Angerer	Emmons	Law, Kathleen	Rocca
Bauer	Espinoza	LeBlanc	Sak
Bennett	Farrah	Leland	Schuitmaker
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gillard	Mayes	Sheen
Brown	Gonzales	McDowell	Sheltrown
Byrnes	Green	Meadows	Simpson
Byrum	Griffin	Meekhof	Smith, Alma
Calley	Hammel	Meisner	Spade
Casperson	Hammon	Melton	Stahl
Caswell	Hansen	Meltzer	Stakoe
Caul	Hildenbrand	Miller	Steil
Cheeks	Hood	Moolenaar	Tobocman
Clack	Hoogendyk	Moore	Vagnozzi
Clemente	Hopgood	Moss	Valentine
Condino	Horn	Nitz	Walker
Constan	Huizenga	Nofs	Ward
Corriveau	Hune	Opsommer	Warren
Coulouris	Jackson	Palmer	Wenke
Cushingberry	Johnson	Palsrok	Wojno
Dean	Jones, Rick	Pastor	Young
DeRoche	Jones, Robert	Pavlov	

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.
Rep. Angerer moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

Communications from State Officers

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

March 3, 2008

The Honorable Rich Brown
Clerk of the House of Representatives
P.O. Box 30014
Lansing, MI 48909

Dear Mr. Brown:

I, Terri Lynn Land, Secretary of State of the State of Michigan, certify that the attached proposed law appeared on the legislative initiative petition filed with the Secretary of State on November 20, 2007 by the Michigan Coalition for Compassionate Care, P.O. Box 20489, Ferndale, Michigan 48220. I further certify that on March 3, 2008 the Michigan Board of State Canvassers determined that said initiative petition contains "at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963." I therefore submit to the Michigan State Legislature said legislative proposal for consideration as provided under Article 2, Section 9, of the Constitution of 1963.

Sincerely,
Terri Lynn Land
Secretary of State

INITIATION OF LEGISLATION

An initiation of Legislation to allow under state law the medical use of marihuana; to provide protections for the medical use of marihuana; to provide for a system of registry identification cards for qualifying patients and primary caregivers; to impose a fee for registry application and renewal; to provide for the promulgation of rules; to provide for the administration of this act; to provide for enforcement of this act; to provide for affirmative defenses; and to provide for penalties for violations of this act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**1. Short Title.**

Sec. 1. This act shall be known and may be cited as the Michigan Medical Marihuana Act.

2. Findings.

Sec. 2. The people of the State of Michigan find and declare that:

(a) Modern medical research, including as found by the National Academy of Sciences' Institute of Medicine in a March 1999 report, has discovered beneficial uses for marihuana in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions.

(b) Data from the Federal Bureau of Investigation Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marihuana arrests in the United States are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need to use marihuana.

(c) Although federal law currently prohibits any use of marihuana except under very limited circumstances, states are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. The laws of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island, and Washington do not penalize the medical use and cultivation of marihuana. Michigan joins in this effort for the health and welfare of its citizens.

3. Definitions.

Sec. 3. As used in this act:

(a) "Debilitating medical condition" means 1 or more of the following:

(1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, agitation of Alzheimer's disease, nail patella, or the treatment of these conditions.

(2) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.

(3) Any other medical condition or its treatment approved by the department, as provided for in section 5(a).

(b) "Department" means the state department of community health.

(c) "Enclosed, locked facility" means a closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient.

(d) "Marihuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

(e) "Medical use" means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

(f) "Physician" means an individual licensed as a physician under Part 170 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17084, or an osteopathic physician under Part 175 of the public health code, 1978 PA 368, MCL 333.17501 to 333.17556.

(g) "Primary caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

(h) "Qualifying patient" means a person who has been diagnosed by a physician as having a debilitating medical condition.

(i) "Registry identification card" means a document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

(j) "Usable marihuana" means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

(k) "Visiting qualifying patient" means a patient who is not a resident of this state or who has been a resident of this state for less than 30 days.

(l) "Written certification" means a document signed by a physician, stating the patient's debilitating medical condition and stating that, in the physician's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

4. Protections for the Medical Use of Marihuana.

Sec. 4. (a) A qualifying patient who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of marihuana in accordance with this act, provided that the qualifying patient possesses an amount of marihuana that does not exceed 2.5 ounces of usable marihuana, and, if the qualifying patient has not specified that a primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility. Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount.

(b) A primary caregiver who has been issued and possesses a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the department's registration process with the medical use of marihuana in accordance with this act, provided that the primary caregiver possesses an amount of marihuana that does not exceed:

(1) 2.5 ounces of usable marihuana for each qualifying patient to whom he or she is connected through the department's registration process; and

(2) for each registered qualifying patient who has specified that the primary caregiver will be allowed under state law to cultivate marihuana for the qualifying patient, 12 marihuana plants kept in an enclosed, locked facility; and

(3) any incidental amount of seeds, stalks, and unusable roots.

(c) A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

(d) There shall be a presumption that a qualifying patient or primary caregiver is engaged in the medical use of marihuana in accordance with this act if the qualifying patient or primary caregiver:

(1) is in possession of a registry identification card; and

(2) is in possession of an amount of marihuana that does not exceed the amount allowed under this act. The presumption may be rebutted by evidence that conduct related to marihuana was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, in accordance with this act.

(e) A registered primary caregiver may receive compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana. Any such compensation shall not constitute the sale of controlled substances.

(f) A physician shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Michigan board of medicine, the Michigan board of osteopathic medicine and surgery, or any other business or occupational or professional licensing board or bureau, solely for providing written certifications, in the course of a bona fide physician-patient relationship and after the physician has completed a full assessment of the qualifying patient's medical history, or for otherwise stating that, in the physician's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition, provided that nothing shall prevent a professional licensing board from sanctioning a physician for failing to properly evaluate a patient's medical condition or otherwise violating the standard of care for evaluating medical conditions.

(g) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for providing a registered qualifying patient or a registered primary caregiver with marihuana paraphernalia for purposes of a qualifying patient's medical use of marihuana.

(h) Any marihuana, marihuana paraphernalia, or licit property that is possessed, owned, or used in connection with the medical use of marihuana, as allowed under this act, or acts incidental to such use, shall not be seized or forfeited.

(i) A person shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, solely for being in the presence or vicinity of the medical use of marihuana in accordance with this act, or for assisting a registered qualifying patient with using or administering marihuana.

(j) A registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana, shall have the same force and effect as a registry identification card issued by the department.

(k) Any registered qualifying patient or registered primary caregiver who sells marihuana to someone who is not allowed to use marihuana for medical purposes under this act shall have his or her registry identification card revoked and is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both, in addition to any other penalties for the distribution of marihuana.

5. Department to Promulgate Rules.

Sec. 5. (a) Not later than 120 days after the effective date of this act, the department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the manner in which the department shall consider the addition of medical conditions or treatments to the list of debilitating medical conditions set forth in section 3(a) of this act. In promulgating rules, the department shall allow for petition by the public to include additional medical conditions and treatments. In considering such petitions, the department shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The department shall, after hearing, approve or deny such petitions within 180 days of the submission of the petition. The approval or denial of such a petition shall be considered a final department action, subject to judicial review pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Jurisdiction and venue for judicial review are vested in the circuit court for the county of Ingham.

(b) Not later than 120 days after the effective date of this act, the department shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that govern the manner in which it shall consider applications for and renewals of registry identification cards for qualifying patients and primary caregivers. The department's rules shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this act. The department may establish a sliding scale of application and renewal fees based upon a qualifying patient's family income. The department may accept gifts, grants, and other donations from private sources in order to reduce the application and renewal fees.

6. Administering the Department's Rules.

Sec. 6. (a) The department shall issue registry identification cards to qualifying patients who submit the following, in accordance with the department's rules:

- (1) A written certification;
- (2) Application or renewal fee;
- (3) Name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;

- (4) Name, address, and telephone number of the qualifying patient's physician;
- (5) Name, address, and date of birth of the qualifying patient's primary caregiver, if any; and
- (6) If the qualifying patient designates a primary caregiver, a designation as to whether the qualifying patient or primary caregiver will be allowed under state law to possess marihuana plants for the qualifying patient's medical use.
 - (b) The department shall not issue a registry identification card to a qualifying patient who is under the age of 18 unless:
 - (1) The qualifying patient's physician has explained the potential risks and benefits of the medical use of marihuana to the qualifying patient and to his or her parent or legal guardian;
 - (2) The qualifying patient's parent or legal guardian submits a written certification from 2 physicians; and
 - (3) The qualifying patient's parent or legal guardian consents in writing to:
 - (A) Allow the qualifying patient's medical use of marihuana;
 - (B) Serve as the qualifying patient's primary caregiver; and
 - (C) Control the acquisition of the marihuana, the dosage, and the frequency of the medical use of marihuana by the qualifying patient.
 - (c) The department shall verify the information contained in an application or renewal submitted pursuant to this section, and shall approve or deny an application or renewal within 15 days of receiving it. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the department determines that the information provided was falsified. Rejection of an application or renewal is considered a final department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court for the county of Ingham.
 - (d) The department shall issue a registry identification card to the primary caregiver, if any, who is named in a qualifying patient's approved application; provided that each qualifying patient can have no more than 1 primary caregiver, and a primary caregiver may assist no more than 5 qualifying patients with their medical use of marihuana.
 - (e) The department shall issue registry identification cards within 5 days of approving an application or renewal, which shall expire 1 year after the date of issuance. Registry identification cards shall contain all of the following:
 - (1) Name, address, and date of birth of the qualifying patient.
 - (2) Name, address, and date of birth of the primary caregiver, if any, of the qualifying patient.
 - (3) The date of issuance and expiration date of the registry identification card.
 - (4) A random identification number.
 - (5) A photograph, if the department requires 1 by rule.
 - (6) A clear designation showing whether the primary caregiver or the qualifying patient will be allowed under state law to possess the marihuana plants for the qualifying patient's medical use, which shall be determined based solely on the qualifying patient's preference.
 - (f) If a registered qualifying patient's certifying physician notifies the department in writing that the patient has ceased to suffer from a debilitating medical condition, the card shall become null and void upon notification by the department to the patient.
 - (g) Possession of, or application for, a registry identification card shall not constitute probable cause or reasonable suspicion, nor shall it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any local, county or state governmental agency.
 - (h) The following confidentiality rules shall apply:
 - (1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers and physicians, are confidential.
 - (2) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list is confidential and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
 - (3) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.
 - (4) A person, including an employee or official of the department or another state agency or local unit of government, who discloses confidential information in violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, or a fine of not more than \$1,000.00, or both. Notwithstanding this provision, department employees may notify law enforcement about falsified or fraudulent information submitted to the department.
 - (i) The department shall submit to the legislature an annual report that does not disclose any identifying information about qualifying patients, primary caregivers, or physicians, but does contain, at a minimum, all of the following information:
 - (1) The number of applications filed for registry identification cards.
 - (2) The number of qualifying patients and primary caregivers approved in each county.
 - (3) The nature of the debilitating medical conditions of the qualifying patients.
 - (4) The number of registry identification cards revoked.
 - (5) The number of physicians providing written certifications for qualifying patients.

7. Scope of Act.

Sec. 7. (a) The medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with the provisions of this act.

(b) This act shall not permit any person to do any of the following:

(1) Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.

(2) Possess marihuana, or otherwise engage in the medical use of marihuana:

(A) in a school bus;

(B) on the grounds of any preschool or primary or secondary school; or

(C) in any correctional facility.

(3) Smoke marihuana:

(A) on any form of public transportation; or

(B) in any public place.

(4) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marihuana.

(5) Use marihuana if that person does not have a serious or debilitating medical condition.

(c) Nothing in this act shall be construed to require:

(1) A government medical assistance program or commercial or non-profit health insurer to reimburse a person for costs associated with the medical use of marihuana.

(2) An employer to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana.

(d) Fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marihuana to avoid arrest or prosecution shall be punishable by a fine of \$500.00, which shall be in addition to any other penalties that may apply for making a false statement or for the use of marihuana other than use undertaken pursuant to this act.

(e) All other acts and parts of acts inconsistent with this act do not apply to the medical use of marihuana as provided for by this act.

8. Affirmative Defense and Dismissal for Medical Marihuana.

Sec. 8. (a) Except as provided in section 7, a patient and a patient's primary caregiver, if any, may assert the medical purpose for using marihuana as a defense to any prosecution involving marihuana, and this defense shall be presumed valid where the evidence shows that:

(1) A physician has stated that, in the physician's professional opinion, after having completed a full assessment of the patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the patient is likely to receive therapeutic or palliative benefit from the medical use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition;

(2) The patient and the patient's primary caregiver, if any, were collectively in possession of a quantity of marihuana that was not more than was reasonably necessary to ensure the uninterrupted availability of marihuana for the purpose of treating or alleviating the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition; and

(3) The patient and the patient's primary caregiver, if any, were engaged in the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or transportation of marihuana or paraphernalia relating to the use of marihuana to treat or alleviate the patient's serious or debilitating medical condition or symptoms of the patient's serious or debilitating medical condition.

(b) A person may assert the medical purpose for using marihuana in a motion to dismiss, and the charges shall be dismissed following an evidentiary hearing where the person shows the elements listed in subsection (a).

(c) If a patient or a patient's primary caregiver demonstrates the patient's medical purpose for using marihuana pursuant to this section, the patient and the patient's primary caregiver shall not be subject to the following for the patient's medical use of marihuana:

(1) disciplinary action by a business or occupational or professional licensing board or bureau; or

(2) forfeiture of any interest in or right to property.

9. Enforcement of this Act.

Sec. 9. (a) If the department fails to adopt rules to implement this act within 120 days of the effective date of this act, a qualifying patient may commence an action in the circuit court for the county of Ingham to compel the department to perform the actions mandated pursuant to the provisions of this act.

(b) If the department fails to issue a valid registry identification card in response to a valid application or renewal submitted pursuant to this act within 20 days of its submission, the registry identification card shall be deemed granted, and a copy of the registry identification application or renewal shall be deemed a valid registry identification card.

(c) If at any time after the 140 days following the effective date of this act the department is not accepting applications, including if it has not created rules allowing qualifying patients to submit applications, a notarized statement by a qualifying

patient containing the information required in an application, pursuant to section 6(a)(3)-(6) together with a written certification, shall be deemed a valid registry identification card.

10. Severability.

Sec. 10. Any section of this act being held invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.

CERTIFICATION OF PETITION TO INITIATE LEGISLATION

We, the undersigned members of the Michigan Board of State Canvassers, hereby certify that the legislative initiative petition filed with the Secretary of State on November 20, 2007 by the Michigan Coalition for Compassionate Care, P.O. Box 20489, Ferndale, Michigan 48220, contains at least the minimum number of valid signatures required under Article 2, Section 9, of the Constitution of the State of Michigan of 1963. The minimum number of valid signatures required is 304,101.

Erane C. Washington-Kendrick, Chairperson
James L. Waters, Member
Stephen Linder, Member
March 3, 2008

The Initiative Petition was read a first time by its title and referred to the Committee on Oversight and Investigations.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved to suspend that portion of Rule 41 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

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

Rep. Mayes offered the following resolution:

House Resolution No. 295.

A resolution designating March 1st through 7th, 2008, as Michigan Weights and Measures Week.

Whereas, We recognize the importance of the Weights and Measures program of the Michigan Department of Agriculture Laboratory Division which serves to meet the public need of standard weights and measures in the state of Michigan; and

Whereas, The employees of the Weights and Measures program are responsible for ensuring that all weighing and measuring devices used in commerce are accurate in both their design and operation; and

Whereas, Weights and measures activities have an estimated economic impact of over \$170 billion in Michigan annually; and

Whereas, This year's theme "Michigan Weights and Measures - Balancing the Marketplace" recognizes Michigan as one of the eight original states that partnered together in 1905 to begin establishing nationwide uniform weights and measures requirements that promoted a competitive, fair marketplace and also served to strengthen Michigan's diverse economy; and

Whereas, Each year, the first week in March is set aside to commemorate the enactment in 1799 of our nation's first Weights and Measures law and to increase public awareness of the importance of this law; be it

Resolved by the House of Representatives, That the members of this legislative body designate the week of March 1 - 7, 2008, as Michigan Weights and Measures Week; and be it further

Resolved, That we recognize the partnership role that the Weights and Measures Division of the Michigan Department of Agriculture plays, and applaud their cooperative collaborative efforts to increase awareness of standard weights and measures within the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Angerer moved that Rule 71 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. Cushingberry, Accavitti, Angerer, Bauer, Bennett, Bieda, Booher, Brown, Byrnes, Condino, Constan, Dean, Gillard, Gonzales, Hammel, Hammon, Hopgood, Robert Jones, Kathleen Law, LeBlanc, Mayes, McDowell, Meisner, Miller, Polidori, Shaffer, Sheltroun, Spade, Stahl, Vagnozzi, Valentine and Warren offered the following resolution:

House Resolution No. 296.

A resolution to memorialize the Congress and the President of the United States to enact the Breast Cancer Patient Protection Act.

Whereas, In spite of progress that has been made in its diagnosis and treatment, breast cancer remains one of the most serious threats to the health of women. Its devastating impact is felt across our country. According to the American Cancer Society, excluding cancers of the skin, breast cancer is the most common cancer among women and accounts for one of every 4 cancers diagnosed. It is estimated that 178,000 new cases of invasive breast cancer were identified in 2007 and that an estimated 40,000 women died; and

Whereas, Although the frightening realities of breast cancer can strike any woman, success in combating the disease is, unfortunately, less universal. A patient's chances of survival are increased with early identification of the disease, access to good care at all stages of treatment, and comprehensive monitoring afterwards; and

Whereas, Congress is considering legislation that would take a strong step in the effort to combat breast cancer in our country. The Breast Cancer Patient Protection Act, S.459 and H.R.758, would require health plans to provide coverage for minimum hospital stays for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer, as well as secondary consultations. Among the legislation's specific provisions is a requirement that a patient undergoing a mastectomy or lumpectomy to treat breast cancer be permitted a hospital stay of no less than 48 hours; and

Whereas, The Breast Cancer Patient Protection Act would increase access to a level of care that can save lives and mitigate suffering; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to enact the Breast Cancer Patient Protection Act; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, 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 Health Policy.

Reps. Tobocman, Hopgood and LaJoy offered the following resolution:

House Resolution No. 297.

A resolution to express support for the construction of a replacement rail tunnel between Detroit and Windsor.

Whereas, Global economic integration has dramatically altered transportation networks and systems critical to the movement of goods and information. Transportation and logistics systems are integral to an ever-increasing array of economic activities. Lower costs, reliability, and strong connections to the national and international transportation systems are essential to economic competitiveness; and

Whereas, Michigan is Canada's lead trading partner and, despite its location on the northern border, is Mexico's third largest trading partner. More than \$160 billion in trade crosses the Detroit and Windsor border annually, which makes it the most lucrative and important international border crossing in North America; and

Whereas, Metropolitan regions are purposefully targeting investment to increase the modes of transportation operating in the region and enhance the effectiveness of transfer functions and connectivity between modes. The economic growth of metropolitan regions is now inextricably linked to the efficacy of their transportation networks; and

Whereas, First tier metropolitan transportation hubs offer multiple transportation modes with service provided by several operators. Metropolitan Detroit has extensive strengths and opportunities to ensure that it remains a leading global transportation hub; and

Whereas, In its Road to Renaissance strategy, Detroit Renaissance recommends that the metropolitan Detroit region further develop its existing transportation infrastructure and coordinate economic development policies to ensure that it is positioned to rapidly respond to the dynamics of global economic integration; and

Whereas, The Detroit River Rail Tunnel, the only existing rail border crossing connecting Detroit and Windsor, is a 100-year-old tunnel that is too small for the efficient double-stacked rail cars that are now used to transport freight. The lack of a rail tunnel in metropolitan Detroit with the ability to handle the next generation of rail cars will have a long-term negative impact on the economic viability of the region and the state; now, therefore, be it

Resolved by the House of Representatives, That we express our support for the construction of a replacement rail tunnel between Detroit and Windsor as a critical infrastructure project necessary to the economic competitiveness of Michigan and the metropolitan Detroit region; and be it further

Resolved, That copies of this resolution be transmitted to the United States Department of Transportation, the Michigan Department of Transportation, the city of Detroit, the city of Windsor, Transport Canada, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Transportation.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, March 5:

House Bill Nos. 5857 5858 5859 5860

House Joint Resolution RR

Senate Bill Nos. 1161 1162 1163 1164 1165 1166 1167 1187 1188 1189 1190

The Clerk announced that the following Senate bill had been received on Wednesday, March 5:

Senate Bill No. 748

Reports of Standing Committees

The Committee on Energy and Technology, by Rep. Accavitti, Chair, reported

House Bill No. 5665, entitled

A bill to amend 1991 PA 179, entitled "Michigan telecommunications act," (MCL 484.2101 to 484.2604) by amending the title; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Hammon, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Moolenaar, Horn and Opsommer

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Accavitti, Mayes, Angerer, Brown, Clemente, Hammon, Lindberg, Melton, Miller, Nofs, Palsrok, Garfield, Moolenaar, Horn and Opsommer

Absent: Reps. Ebli, Hopgood, Lemmons and Huizenga

Excused: Reps. Ebli, Hopgood, Lemmons and Huizenga

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

House Bill No. 5829, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34 (MCL 791.234), as amended by 2006 PA 167.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Warren, Elsenheimer and Rick Jones

Nays: None

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

House Bill No. 5830, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7401 and 7403 (MCL 333.7401 and 333.7403), as amended by 2002 PA 710; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Warren, Elsenheimer and Rick Jones
Nays: None

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

House Bill No. 5831, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 2002 PA 666.

Without amendment and with the recommendation that the bill pass.
The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Warren and Rick Jones
Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Warren, David Law, Elsenheimer, Rick Jones and Rocca

Absent: Reps. Virgil Smith, Schuitmaker and Stakoe

Excused: Reps. Virgil Smith, Schuitmaker and Stakoe

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

House Bill No. 5835, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 417 (MCL 208.1417).

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun and Young
Nays: Reps. Meltzer, Sheen, Steil, Pastor, Palmer and Calley

The Committee on Tax Policy, by Rep. Bieda, Chair, reported

Senate Bill No. 209, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2006 PA 378.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Bieda, Condino, Robert Jones, Mayes, Melton, Sheltroun, Meltzer, Sheen, Steil, Pastor, Palmer and Calley
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bieda, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Bieda, Condino, Farrah, Robert Jones, Mayes, Meisner, Melton, Sheltroun, Young, Meltzer, Sheen, Steil, Pastor, Palmer and Calley

Absent: Reps. Warren and Wenke

Excused: Reps. Warren and Wenke

The Committee on Families and Children's Services, by Rep. Clack, Chair, reported

House Bill No. 4896, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2832 (MCL 333.2832), as amended by 1996 PA 307, and by adding section 2832a.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Clack, Dean, Accavitti, Hammon and Wojno

Nays: Reps. Sheen, Hoogendyk and Palmer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clack, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Clack, Dean, Accavitti, Hammon, Wojno, Sheen, Stahl, Hoogendyk and Palmer

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

House Bill No. 5779, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrum, Young, Coulouris, Farrah, Meadows and Tobocman

Nays: Reps. Pavlov, Nitz, Meekhof and Opsommer

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

House Bill No. 5859, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 9b (MCL 117.9b), as added by 1982 PA 465.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Byrum, Young, Coulouris, Farrah, Meadows and Tobocman

Nays: Reps. Pavlov, Nitz, Meekhof and Opsommer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Intergovernmental, Urban and Regional Affairs, was received and read:

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Tobocman, Pavlov, Nitz, Meekhof and Opsommer

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Bill No. 5065, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32701 and 32702 (MCL 324.32701 and 324.32702), as amended by 2006 PA 33.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Kathleen Law, Leland, Meadows, Miller and Valentine

Nays: Reps. Griffin, Robertson, Palmer, Emmons, Moolenaar, Walker and Meekhof

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Bill No. 5066, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705, 32706, 32707, 32708, and 32708a (MCL 324.32705, 324.32706, 324.32707, 324.32708, and 324.32708a), sections 32705 and 32708 as amended and section 32708a as added by 2006 PA 35, section 32706 as amended by 1996 PA 434, and section 32707 as amended by 2006 PA 33, and by adding section 32708b.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Kathleen Law, Leland, Meadows, Miller and Valentine

Nays: Reps. Griffin, Robertson, Palmer, Emmons, Moolenaar, Walker and Meekhof

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Bill No. 5067, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32710 and 32713 (MCL 324.32710 and 324.32713), section 32710 as added by 1995 PA 59 and section 32713 as amended by 2006 PA 33.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Kathleen Law, Leland, Meadows, Miller and Valentine

Nays: Reps. Griffin, Robertson, Palmer, Emmons, Moolenaar, Walker and Meekhof

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Bill No. 5073, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32729.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Kathleen Law, Leland, Meadows, Miller and Valentine

Nays: Reps. Griffin, Robertson, Palmer, Emmons, Moolenaar, Walker and Meekhof

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Wednesday, March 5, 2008

Present: Reps. Warren, Donigan, Ebli, Griffin, Kathleen Law, Leland, Meadows, Miller, Valentine, Robertson, Palmer, Emmons, Moolenaar, Walker and Meekhof

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, March 4, 2008

Present: Reps. Meisner, Robert Jones, Accavitti, Clemente, Coulouris, Dean, Griffin, Johnson, Sheltroun, Simpson, Valentine, Hildenbrand, Huizenga, Stakoe, Rick Jones, Knollenberg and Meltzer

Absent: Reps. Byrum and Palsrok

Excused: Reps. Byrum and Palsrok

Messages from the Senate

Senate Bill No. 748, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 4003.

The Senate has passed the bill.

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

Notices

March 5, 2008

Rich Brown

Clerk, House of Representatives

Dear Mr. Clerk,

Pursuant to House Rule 8, I make the following changes to standing committees of the House of Representatives:

Health Policy

Add: Representative Bert Johnson

Regards,
Andy Dillon
Speaker
House of Representatives

Introduction of Bills

Rep. Valentine introduced

House Bill No. 5861, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 11e and 11f (MCL 247.661e and 247.661f), section 11e as amended by 2007 PA 26 and section 11f as amended by 2007 PA 27.

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

Rep. Ball introduced

House Bill No. 5862, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

Reps. Sak, Angerer, Bieda, Condino, Robert Jones, Young, Farrah, Pastor, Calley, Steil and Wenke introduced

House Bill No. 5863, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 113 (MCL 208.1113), as amended by 2007 PA 145.

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

Rep. Moore moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

Associate Speaker Pro Tempore Byrnes declared the House adjourned until Thursday, March 6, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives