

No. 84
STATE OF MICHIGAN
JOURNAL
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2004

House Chamber, Lansing, Thursday, November 4, 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—excused	Minore—present	Spade—present
Bieda—present	Hardman—present	Moolenaar—present	Stahl—present
Bisbee—present	Hart—excused	Mortimer—present	Stakoe—present
Bradstreet—present	Hood—present	Murphy—present	Stallworth—present
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	Jamnack—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—excused	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present

e/d/s = entered during session

Rep. Randy Richardville, from the 56th District, offered the following invocation:

“Heavenly Father, we come before You today as a group of servants, knowing that the example You gave us—Your son when he came down here, he said that he came not to be served, but to serve. Please help us to have that same attitude today. Give us wisdom as we think about the things that You put in front of us, and help us to realize that the 10 or so million people in Michigan are depending upon us to do what’s right. We just had elections and there are sometimes hard feelings, things that go on. Please help us to also leave our parties at the door—to come in here with the attitude of doing the right thing. If we can’t have peace in our hearts, how would we expect to have peace in the world? We lift these things up before You this morning, in the name of Jesus. Amen.”

Rep. Palmer moved that Reps. Hager, Hart and Shackleton be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5078, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Health Policy,

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 5, following line 8, by inserting:

“(5) A chiropractor who is licensed under this article and has successfully completed additional training in the performance and interpretation of electrodiagnostic studies that is satisfactory to his or her respective board may conduct electrodiagnostic studies.”.

2. Amend page 7, following line 27, by inserting:

“(5) A chiropractor who is licensed under this article and has successfully completed additional training in the performance and interpretation of electrodiagnostic studies that is satisfactory to his or her respective board may conduct electrodiagnostic studies.”.

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

Rep. Vander Veen moved to amend the bill as follows:

1. Amend page 4, line 23, by striking out all of subsection (3) and renumbering the remaining subsection.

2. Amend page 5, line 4, after “**podiatrist**” by inserting a comma and “**or a physical therapist**,”.

3. Amend page 7, line 15, by striking out all of subsection (3) and renumbering the remaining subsection.

4. Amend page 7, line 23, after “**podiatrist**” by inserting a comma and “**or a physical therapist**,”.

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

Rep. Hardman moved to reconsider the vote by which the House adopted the amendments.

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

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

Rep. Hardman demanded the yeas and nays.

The demand was supported.

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

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

The motion prevailed.

House Bill No. 4779, 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, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Transportation,

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

Rep. Rivet 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. 4779, 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, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to

provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 10 (MCL 247.660), as amended by 2000 PA 188.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4766, entitled

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," (MCL 333.1101 to 333.25211) by adding sections 21335 and 21735.

The Senate has concurred in the House amendments to the Senate substitute (S-2).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor on October 6, 2004.

House Bill No. 5118, entitled

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," (MCL 333.1101 to 333.25211) by adding section 5474c; and to repeal acts and parts of acts.

The Senate has concurred in the House amendment to the Senate substitute (S-3).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor October 5, 2004.

House Bill No. 5313, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

(For text of conference report, see House Journal No. 83, p. 2388.)

The Senate has adopted the report of the Committee of Conference.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor September 30, 2004.

House Bill No. 5527, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor September 30, 2004.

House Bill No. 5528, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2005; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The Senate has concurred in the House amendments to the Senate substitute (S-1).

The bill was referred to the Clerk for enrollment printing and presentation to the Governor September 30, 2004.

House Bill No. 5874, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16648 (MCL 333.16648), as amended by 1998 PA 496.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor October 6, 2004.

House Bill No. 6227, entitled

A bill to amend 1933 PA 62, entitled "Property tax limitation act," by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor October 5, 2004.

House Bill No. 6231, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1279 and 1279d (MCL 380.1279 and 380.1279d), section 1279 as amended by 1997 PA 175 and section 1279d as added by 2002 PA 640.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor October 6, 2004.

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, September 30:

House Bill Nos.	6236	6237	6238	6239	6240	6241	6242	6243	6244	6245	6246	6247	6248	6249
	6250	6251	6252	6253	6254	6255	6256	6257	6258	6259	6260	6261	6262	6263
	6264	6265	6266	6267	6268	6269	6270	6271	6272	6273	6274	6275	6276	6277
	6278	6279	6280	6281	6282	6283	6284	6285	6286	6287	6288	6289	6290	6291
	6292	6293	6294	6295										

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 1:

Senate Bill Nos.	1434	1435	1436	1437	1438	1439	1440	1441	1442	1443	1444
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The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 30, for her approval of the following bills:

Enrolled House Bill No. 5527 at 3:02 p.m.
Enrolled House Bill No. 5528 at 3:04 p.m.
Enrolled House Bill No. 5864 at 3:06 p.m.

The Clerk announced that the following Senate bills had been received on Thursday, September 30:
Senate Bill Nos. 1184 1321 1386 1387

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 4, for her approval of the following bills:

Enrolled House Bill No. 4361 at 2:02 p.m.
Enrolled House Bill No. 4362 at 2:04 p.m.
Enrolled House Bill No. 5432 at 2:06 p.m.
Enrolled House Bill No. 5472 at 2:08 p.m.
Enrolled House Bill No. 5907 at 2:10 p.m.
Enrolled House Bill No. 5953 at 2:12 p.m.
Enrolled House Bill No. 6208 at 2:14 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, October 5:
Senate Bill Nos. 1175 1176

The Clerk announced that the following Senate bill had been received on Wednesday, October 6:
Senate Bill No. 1383

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 6, for her approval of the following bills:

Enrolled House Bill No. 5121 at 2:25 p.m.
Enrolled House Bill No. 5313 at 2:27 p.m.
Enrolled House Bill No. 5319 at 2:29 p.m.
Enrolled House Bill No. 5340 at 2:31 p.m.
Enrolled House Bill No. 5534 at 2:33 p.m.
Enrolled House Bill No. 5771 at 2:35 p.m.
Enrolled House Bill No. 5772 at 2:37 p.m.
Enrolled House Bill No. 5782 at 2:39 p.m.
Enrolled House Bill No. 5783 at 2:41 p.m.
Enrolled House Bill No. 5906 at 2:43 p.m.
Enrolled House Bill No. 6074 at 2:45 p.m.
Enrolled House Bill No. 6165 at 2:47 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 7:

Senate Bill Nos. 1445 1446 1447 1448 1449 1450 1451 1452 1453 1454

The Clerk announced the enrollment printing and presentation to the Governor on Friday, October 8, for her approval of the following bills:

Enrolled House Bill No. 4766 at 2:30 p.m.
Enrolled House Bill No. 5874 at 2:32 p.m.
Enrolled House Bill No. 6227 at 2:34 p.m.
Enrolled House Bill No. 6231 at 2:36 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, October 13, for her approval of the following bill:

Enrolled House Bill No. 5118 at 2:43 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 3:

Senate Bill Nos. 1458 1464 1465 1466 1467 1468 1469 1470 1471 1472

The Clerk announced that the following Senate bills had been received on Thursday, November 4:

Senate Bill Nos. 144 231 978 1149 1150 1181 1329 1344 1366 1432 1440 1441 1442 1444

Rep. Waters moved that Rep. Murphy be excused temporarily from today's session.
The motion prevailed.

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

House Bill No. 6190, entitled

A bill to allow public officials to elect not to receive compensation for serving in their elected or appointed positions.
The bill was read a second time.

Rep. Jamnick moved to amend the bill as follows:

1. Amend page 1, line 3, after "as" by striking out "a" and inserting "**an appointed**".
2. Amend page 1, line 4, after "as" by striking out "a" and inserting "**as appointed**".
3. Amend page 2, line 2, after "is" by striking out "elected or".

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

Rep. Jamnick demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 872

Yeas—43

Accavitti	Elkins	Kolb	Smith
Adamini	Farrah	Law	Spade
Anderson	Gielegem	Lipsey	Tobocman
Bieda	Gillard	McConico	Vagnozzi
Brown	Gleason	Meisner	Waters
Byrum	Hardman	Middaugh	Whitmer
Cheeks	Hood	Minore	Williams
Clack	Hopgood	Phillips	Wojno
Condino	Hunter	Plakas	Woronchak
Daniels	Jamnick	Reeves	Zelenko
Dennis	Koetje	Sak	

Nays—55

Acciavatti	Garfield	Mortimer	Shulman
Amos	Hoogendyk	Newell	Stahl
Bisbee	Howell	Nitz	Stakoe
Bradstreet	Huizenga	Nofs	Steil
Brandenburg	Hummel	Palmer	Stewart
Casperson	Hune	Palsrok	Tabor
Caswell	Johnson, Rick	Pappageorge	Taub
Caul	Johnson, Ruth	Pastor	Van Regenmorter
DeRoche	Julian	Richardville	Vander Veen
DeRossett	Kooiman	Robertson	Voorhees

Drolet
Ehardt
Emmons
Farhat

LaJoy
Meyer
Milosch
Moolenaar

Rocca
Shaffer
Sheen
Sheltrown

Walker
Ward
Wenke

In The Chair: Julian

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

The motion did not prevail and the substitute (H-1) was not adopted, a majority of the members serving not 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. 6190, entitled

A bill to allow public officials to elect not to receive compensation for serving in their elected or appointed positions.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Emmons moved that consideration of the bill be postponed for the day.

The motion prevailed.

Second Reading of Bills

Senate Bill No. 928, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

The bill was read a second time.

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. 928, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 8 (MCL 42.8).

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

Roll Call No. 873

Yeas—104

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Brandenburg
Brown
Byrum
Casperson
Caswell
Caul

Garfield
Gielegem
Gillard
Gleason
Hardman
Hood
Hoogendyk
Hopgood
Howell
Huizenga
Hummel
Hune
Hunter

Meyer
Middaugh
Milosch
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
O'Neil
Palmer
Palsrok

Sheltrown
Shulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub
Tobocman
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
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Drolet	LaJoy	Rivet	Whitmer
Elkins	LaSata	Robertson	Williams
Emmons	Law	Rocca	Wojno
Farhat	Lipsey	Sak	Woodward
Farrah	McConico	Shaffer	Woronchak
Gaffney	Meisner	Sheen	Zelenko

Nays—0

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 authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,”

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

The House returned to the consideration of

House Bill No. 5078, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 17001 and 17501 (MCL 333.17001 and 333.17501), section 17001 as amended by 1990 PA 248 and section 17501 as amended by 1990 PA 247, and by adding sections 17018 and 17518.

(The bill was considered earlier today, see today’s Journal p. 2414.)

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

Rep. Vander Veen moved that consideration of the bill be postponed for the day.

The motion prevailed.

Messages from the Governor

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

Executive Office, Lansing, September 30, 2004

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909

Dear Legislators:

Today I have signed **Enrolled House Bill 5528**, the FY 2005 appropriations bill for the Department of Transportation. However, I am returning it to you because of items of which I disapprove pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

This bill provides nearly \$3.3 billion for rebuilding, repair and maintenance of Michigan’s roads and bridges, as well as key intermodal and public transportation programs. My action today:

- Provides over \$2.6 billion in road and bridge construction funds to the Department of Transportation and local road agencies for the preservation, repair, and maintenance of Michigan’s transportation network.
- Fulfilling a campaign promise, this bill, coupled with Enrolled House Bill 5319, provides \$12.8 million of additional monies dedicated for critical bridge repairs on local roads as the beginning of a 2-year phased-in annual appropriation of \$25.6 million.

- Provides over \$272.8 million for public transit programs, including \$176.3 million for bus operating assistance grants to local transit agencies.

I have vetoed Sections 617, 621, 623, 624, 625, 626, 633, 634, 728 and a portion of Section 622. The inclusion of these types of special interest projects undermines the legal responsibilities of the State Transportation Commission. Road projects should be selected by transportation experts based on a consistent and objective assessment of need.

In addition, there are several provisions contained in this bill that are unenforceable for the reasons specified below.

1. Section 307 requires legislative approval of the Department's five-year highway construction plan prior to implementation. Based on advice from the Department of Attorney General, this section violates the separation of powers doctrine of Section 2 of Article III of the Michigan Constitution of 1963.

2. Section 365 prohibits expenditures for development of design plans or construction of Alternatives 5, as identified in the US-131 improvements study. This provision violates federal statute, which requires that alternatives must be selected using criteria of the federal National Environmental Policy Act. As a result, this provision is unenforceable if federal funds are to be used for this project.

3. Section 628 prohibits the use of funds to transfer investment management functions from the Mackinac Bridge Authority to the State Treasurer. These functions are already vested by law in the State Treasurer. Because this section attempts to amend by reference Section 2 of 1950 (Ex Sess) PA 21, MCL 254.302, it is unenforceable.

4. Section 629 attempts to amend by implication 1969 PA 200, MCL 247.323, relative to criteria for highway closings, and is therefore unenforceable.

5. Section 707 stipulates that the Detroit Transportation Corporation is not an eligible authority or eligible governmental agency for grants funded from this bill. This section attempts to amend by implication Section 10c of 1951 PA 51, MCL 274.660c, and is unenforceable.

I thank the Legislature for its work on this important budget bill.

Sincerely,
Jennifer M. Granholm
Governor

The bill was signed by the Governor September 30, 2004, at 4:37 p.m.

The bill was filed with the Secretary of State, September 30, 2004, at 4:54 p.m., and assigned Public Act No. 361, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that consideration of the bill be postponed for the day.

The motion prevailed.

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

Executive Office, Lansing, October 11, 2004

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909

Ladies and Gentlemen:

Today I have vetoed and return with my objections **Enrolled House Bill 5113**, as provided under Section 33 of Article IV of the Michigan Constitution of 1963.

Proponents of this legislation indicate that it is intended to prevent Kent County from being required to increase the number of county commissioners in that county, currently 19, in the event the population of Kent County exceeds 600,000 people and the voters of Kent County approve the adoption of a home rule charter for the county. The stated objective is to allow county government to conduct business efficiently, and I share that objective. However, House Bill 5113 would not affect the number of members of a county board of commissioners in Kent County or any other county. The bill amends Section 4 of Public Act 293 of 1966 to alter the number of charter commissioners authorized, not the number of county commissioners.

Changing the number of members required for a county board of commissioners in a charter county would require amending Section 14 of Public Act 293 of 1966, not Section 4. Under Section 14 (MCL 45.514), a county board of commissioners in a charter county with less than 600,000 people may have between 5 and 21 members and a charter county with more than 600,000 people may have between 5 and 27 members. Accordingly, under current law, if the voters of Kent County were to adopt a home rule charter, Kent County would not be required to increase the number of county commissioners beyond the current 19 should its population exceed 600,000.

Because a change in the law is not necessary to meet the stated objectives of the proponents of House Bill 5113, I return Enrolled House Bill 5113 without signature.

Respectfully,
Jennifer M. Granholm
Governor

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

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Richardville moved to suspend that portion of Rule 44 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. Richardville moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Messages from the Senate

House Bill No. 6230, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 1704a (MCL 388.1704a), as amended by 2003 PA 158.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor October 6, 2004.

House Bill No. 4335, entitled

A bill to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license certain persons engaged in boxing; to regulate certain persons connected to the business of boxing and persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to adopt rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to regulate certain forms of boxing; to create certain commissions and to provide certain powers and duties for certain state agencies and departments; to license and regulate certain persons engaged in boxing, certain persons connected to the business of boxing, and certain persons conducting certain contests and exhibitions; to confer immunity under certain circumstances; to provide for the conducting of certain tests; to assess certain fees; to create certain funds; to promulgate rules; to provide for penalties and remedies; and to repeal acts and parts of acts.

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

House Bill No. 4336, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 447 (MCL 750.447).

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5336, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 9, by striking out "**motion picture**" and inserting "**theatrical**".

2. Amend page 2, line 13, by striking out "**motion picture**" and inserting "**theatrical**".

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5347, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 465a. The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5763, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding chapter 54a and section 6023a.

The Senate has amended the bill as follows:

1. Amend page 5, line 9, after "(o)" by striking out "**Real property**" and inserting "**Property**".
2. Amend page 5, line 10, after "**entirety**," by striking out the balance of the subdivision and inserting "**except that this exemption does not apply with regard to a claim based on a joint debt of the husband and wife.**".
3. Amend page 7, line 23, after "**6023a.**" by striking out "**Real property**" and inserting "**Property**".

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 6047, entitled

A bill to amend 2003 PA 226, entitled "Joint municipal planning act," by amending section 5 (MCL 125.135).

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 2003 PA 226, entitled "An act to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions," (MCL 125.131 to 125.141) by adding section 13.

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

Senate Bill No. 955, entitled

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

The Senate has amended the House amendments as follows:

1. Amend House Amendment No. 1, page 3, line 20, after "inserting" by striking out "**3**" and inserting "**1 or more**".
2. Amend House Amendment No. 3, page 3, line 21, after "inserting" by striking out "**3**" and inserting "**2 or more**".
3. Amend House Amendment No. 5, page 3, line 24, after "inserting" by striking out "**2-year**" and inserting "**12-month**".

The Senate has concurred in the House amendments as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Taub, Ward, Tabor, Casperson, LaJoy, Stakoe, Gaffney, Amos, Stewart, Voorhees, Acciavatti, Palmer, Milosch, Brandenburg, Pastor, Drolet, Ehardt, Garfield, Meyer, Rocca and Stallworth offered the following resolution:

House Resolution No. 323.

A resolution to express opposition to the Povernomics Economic Development Plan recently adopted by the Detroit City Council.

Whereas, In an action that has drawn significant opposition from individuals and groups within the city and across the metropolitan area, the Detroit City Council recently adopted a policy called "A Powernomics Economic Development Plan for Detroit's Under-served Majority." The crux of the plan centers on the notion that economic development efforts and incentives in Detroit should be based upon race. The impact of this plan would favor African-American-owned enterprises at the expense of everyone else, including immigrant entrepreneurs and business people of other minority groups; and

Whereas, While the Powernomics report does include valid strategies, including an emphasis on education, this city-financed plan makes statements that are offensive to many people. According to newspaper reports, the plan advances the belief that immigrants from Mexico, Asia, and the Middle East are stealing resources, jobs, and opportunities from the African-American community. The plan also reportedly warns city leaders to be wary of the intentions of people of other communities; and

Whereas, Apart from obvious questions of the legality of the ideas and proposals advanced by the Powernomics Economic Development Plan for Detroit, this report and strategy represent thinking that can only impede the growth of the city's economic and human resources. The insidious racism that has harmed our country and so many people over the years will only be perpetuated in a new way with this race-based economic development plan; now, therefore, be it

Resolved by the House of Representatives, That we express opposition to the Powernomics Economic Development Plan recently adopted by the Detroit City Council; and be it further

Resolved, That copies of this resolution be transmitted to the Detroit City Council.

The resolution was referred to the Committee on Government Operations.

Reps. Bieda, Richardville, Lipsey, Hopgood, Law, Condino, Gleason, Brown, Adamini, Tobocman, Pappageorge, Accavitti, Anderson, Byrum, Clack, Dennis, Ehardt, Elkins, Garfield, Gielegem, Gillard, Jamnick, Koetje, Kolb, Minore, Murphy, O'Neil, Palsrok, Phillips, Plakas, Rocca, Sak, Sheltroun, Spade, Stallworth, Tabor, Taub, Vagnozzi, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 324.

A resolution designating October 2004 as Filipino American History Month in the state of Michigan.

Whereas, Filipino American History Month was established by the Filipino American National Historical Society (FANHS) as the official month recognizing the contributions and experiences of Filipinos in America; and

Whereas, October was the month selected by the FANHS because it was October 1587 in Morro Bay, California, that the first known Filipinos arrived in America. Today, according to the 2000 U.S. Census, there are 2.4 million Filipinos living in the United States; and

Whereas, The Honorable Frank Murphy of Michigan served as a judge, Mayor of Detroit, Governor of Michigan, United States Attorney General, and a Justice of the United States Supreme Court. He also served as the last Governor-General of the Philippines and first High Commissioner of the Philippines from 1933 to 1936; and

Whereas, During World War II Filipino Americans lived in a climate of invariable racism, yet they continuously remained deeply loyal to the United States and many served with distinction in the Armed Forces of the United States; and

Whereas, Although Filipino Americans have encountered many hardships, they have made important contributions in the labor movement, politics, arts and entertainment, business, sports, media, and other industries; and

Whereas, Many Filipino Americans call Michigan home and have added their rich history, culture, and talent to our state; now, therefore be it

Resolved by the House of Representatives, That the members of this legislative body designate October 2004 as Filipino American History Month in the state of Michigan; and be it further

Resolved, That copies of this resolution be transmitted to his Excellency, Ambassador Albert F. Del Rosario at the Embassy of the Republic of the Philippines in Washington, D.C. and to Filipino fraternal organizations in Michigan.

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.

Messages from the Governor

Date: September 28, 2004

Time: 8:53 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5516 (Public Act No. 344, I.E.), being

An act to make appropriations for the family independence agency and certain state purposes related to public welfare services for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations;

to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(Filed with the Secretary of State September 29, 2004, at 3:20 p.m.)

Date: September 28, 2004

Time: 9:15 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5526 (Public Act No. 348, I.E.), being

An act to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

(Filed with the Secretary of State September 29, 2004, at 3:28 p.m.)

Date: September 30, 2004

Time: 10:46 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5509 (Public Act No. 353, I.E.), being

An act to make appropriations for the department of agriculture for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(Filed with the Secretary of State September 30, 2004, at 3:21 p.m.)

Date: September 30, 2004

Time: 11:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5521 (Public Act No. 354, I.E.), being

An act to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2005; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

(Filed with the Secretary of State September 30, 2004, at 3:23 p.m.)

Date: September 30, 2004

Time: 4:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5864 (Public Act No. 359, I.E.), being

An act to amend 1935 PA 120, entitled "An act to prescribe a method for the fingerprinting of residents of the state, and to provide for the recording and filing thereof by the central records division of the department of state police," by amending section 3 (MCL 28.273), as amended by 2002 PA 463.

(Filed with the Secretary of State September 30, 2004, at 4:50 p.m.)

Date: September 30, 2004

Time: 4:17 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5527 (Public Act No. 360, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies and capital outlay for the fiscal years ending September 30, 2004 and September 30, 2005; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State September 30, 2004, at 4:52 p.m.)

Date: October 4, 2004
Time: 11:25 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5802 (Public Act No. 362, I.E.), being

An act to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending sections 8a, 65, 204a, 208, 208c, 303, 306, 307, 309, 310e, 312b, 312e, 312f, 313, 314, 316, 317, 319, 319b, 319c, 320, 320a, 321a, 323c, 708b, 732, 812, and 904 (MCL 257.8a, 257.65, 257.204a, 257.208, 257.208c, 257.303, 257.306, 257.307, 257.309, 257.310e, 257.312b, 257.312e, 257.312f, 257.313, 257.314, 257.316, 257.317, 257.319, 257.319b, 257.319c, 257.320, 257.320a, 257.321a, 257.323c, 257.708b, 257.732, 257.812, and 257.904), section 8a as amended by 1998 PA 356, sections 65, 319b, 320a, 321a, and 732 as amended by 2004 PA 62, section 204a as amended by 1999 PA 73, section 208 as amended and 208c as added by 1997 PA 100, sections 303 and 319 as amended by 2003 PA 61, sections 306 and 310e as amended by 2004 PA 71, section 307 as amended by 2004 PA 52, sections 309, 312f, 319c, 323c, and 904 as amended by 2002 PA 534, section 312b as amended by 2003 PA 103, sections 312e and 812 as amended by 2003 PA 152, section 313 as amended by 1991 PA 99, section 314 as amended by 2002 PA 554, section 317 as amended by 1993 PA 359, section 320 as amended by 1982 PA 310, and section 708b as added by 1991 PA 55; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 4, 2004, at 2:25 p.m.)

Date: October 5, 2004
Time: 3:47 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5953 (Public Act No. 364, I.E.), being

An act to amend 1967 PA 281, entitled “An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts,” (MCL 206.1 to 206.532) by adding section 438.

(Filed with the Secretary of State October 6, 2004, at 9:18 a.m.)

Date: October 7, 2004
Time: 9:35 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6208 (Public Act No. 366, I.E.), being

An act to amend 2002 PA 6, entitled “An act to authorize the state administrative board to convey certain parcels of state owned property in Tuscola county and Wayne county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyances,” by amending section 10.

(Filed with the Secretary of State October 7, 2004, at 10:22 a.m.)

Date: October 7, 2004
Time: 9:37 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5809 (Public Act No. 367, I.E.), being

An act to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9947) by adding section 2974.

(Filed with the Secretary of State October 7, 2004, at 10:24 a.m.)

Date: October 11, 2004
Time: 7:45 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5114 (Public Act No. 369, I.E.), being

An act to amend 1966 PA 261, entitled “An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 2 (MCL 46.402).

(Filed with the Secretary of State October 11, 2004, at 9:00 a.m.)

Date: October 11, 2004
Time: 7:54 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5432 (Public Act No. 373, I.E.), being

An act to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 411 (MCL 339.411), as amended by 2004 PA 264.

(Filed with the Secretary of State October 11, 2004, at 9:08 a.m.)

Date: October 11, 2004
Time: 7:56 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4361 (Public Act No. 374, I.E.), being

An act to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” (MCL 550.1101 to 550.1704) by adding section 416d.

(Filed with the Secretary of State October 11, 2004, at 9:10 a.m.)

Date: October 11, 2004
Time: 7:58 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4362 (Public Act No. 375, I.E.), being

An act to amend 1956 PA 218, entitled “An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker’s compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act,” (MCL 500.100 to 500.8302) by adding section 3406r.

(Filed with the Secretary of State October 11, 2004, at 9:12 a.m.)

Date: October 11, 2004
Time: 8:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5472 (Public Act No. 376, I.E.), being

An act to amend 1846 RS 84, entitled “Of divorce,” by amending section 45 (MCL 552.45).

(Filed with the Secretary of State October 11, 2004, at 9:14 a.m.)

Date: October 12, 2004
Time: 1:15 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5313 (Public Act No. 377, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending section 52706 (MCL 324.52706), as amended by 2002 PA 356.

(Filed with the Secretary of State October 12, 2004, at 2:50 p.m.)

Date: October 12, 2004
Time: 1:17 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5906 (Public Act No. 378, I.E.), being

An act to allow certain public bodies to create law enforcement agencies and grant certain powers and authority to law enforcement officers employed by those agencies; to require those law enforcement officers to meet certain standards; to prescribe certain powers and duties of those law enforcement agencies; to provide for certain powers of public bodies; and to provide for certain powers and duties of state and local agencies and officers.

(Filed with the Secretary of State October 12, 2004, at 2:52 p.m.)

Date: October 12, 2004
Time: 1:19 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5907 (Public Act No. 379, I.E.), being

An act to amend 1965 PA 203, entitled “An act to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund; and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program,” by amending sections 2 and 9 (MCL 28.602 and 28.609), section 2 as amended by 2001 PA 186 and section 9 as amended by 1998 PA 237.

(Filed with the Secretary of State October 12, 2004, at 2:54 p.m.)

Date: October 12, 2004
Time: 1:21 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5121 (Public Act No. 380, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” (MCL 380.1 to 380.1852) by adding section 1240; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 12, 2004, at 2:56 p.m.)

Date: October 12, 2004
Time: 1:23 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5771 (Public Act No. 381, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1301, 11701, 11702, 11703, 11704, 11705, 11706, 11707, 11708, 11709, 11710, 11711, 11712, 11713, 11714, 11715, 11716, 11717, 11718, and 11719 (MCL 324.1301, 324.11701, 324.11702, 324.11703, 324.11704, 324.11705,

324.11706, 324.11707, 324.11708, 324.11709, 324.11710, 324.11711, 324.11712, 324.11713, 324.11714, 324.11715, 324.11716, 324.11717, 324.11718, and 324.11719), section 1301 as added by 2004 PA 325, sections 11703, 11704, and 11709 as amended by 2004 PA 325, and by adding sections 11715b, 11715d, 11717b, and 11720.

(Filed with the Secretary of State October 12, 2004, at 2:58 p.m.)

Date: October 12, 2004

Time: 1:25 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5772 (Public Act No. 382, I.E.), being

An act to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 13c of chapter XVII (MCL 777.13c), as added by 2002 PA 30.

(Filed with the Secretary of State October 12, 2004, at 3:00 p.m.)

Date: October 12, 2004

Time: 1:29 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5319 (Public Act No. 384, I.E.), being

An act 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, critical 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 the title and section 10 (MCL 247.660), the title as amended by 1997 PA 79 and section 10 as amended by 2003 PA 151; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 12, 2004, at 3:04 p.m.)

Date: October 12, 2004

Time: 1:34 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6165 (Public Act No. 386, I.E.), being

An act to amend 1985 PA 106, entitled "An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes," by amending section 9 (MCL 207.629), as amended by 1993 PA 58.

(Filed with the Secretary of State October 12, 2004, at 3:08 p.m.)

Date: October 12, 2004

Time: 1:37 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5782 (Public Act No. 387, I.E.), being

An act to amend 2000 PA 161, entitled "An act to create the Michigan education savings program; to provide for education savings accounts; to prescribe the powers and duties of certain state agencies, boards, and departments; to allow certain tax credits or deductions; and to provide for penalties and remedies," by amending sections 2, 7, 8, and 9 (MCL 390.1472, 390.1477, 390.1478, and 390.1479), as amended by 2001 PA 215.

(Filed with the Secretary of State October 12, 2004, at 3:10 p.m.)

Date: October 12, 2004

Time: 1:39 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5783 (Public Act No. 388, I.E.), being

An act to amend 1986 PA 316, entitled "An act to create the Michigan education trust; to prescribe the powers and duties of the trust and of its board of directors; to provide for advance tuition payment contracts; to establish an advance tuition payment fund and to provide for its administration; to provide for remedies; and to repeal certain acts and parts of acts on specific dates," by amending sections 6, 7, and 8 (MCL 390.1426, 390.1427, and 390.1428); and to repeal acts and parts of acts.

(Filed with the Secretary of State October 12, 2004, at 3:12 p.m.)

Date: October 12, 2004

Time: 1:41 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5340 (Public Act No. 389, I.E.), being

An act 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, 4, 5, and 6.

(Filed with the Secretary of State October 12, 2004, at 3:14 p.m.)

Date: October 12, 2004

Time: 1:43 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6074 (Public Act No. 390, I.E.), being

An act to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 21502, 21504, 21505, 21506, 21508, 21546, 21548, and 21550 (MCL 324.21502, 324.21504, 324.21505, 324.21506, 324.21508, 324.21546, 324.21548, and 324.21550), sections 21506 and 21508 as amended by 1995 PA 269, sections 21546 and 21548 as amended by 1996 PA 181, and section 21550 as amended by 1995 PA 252, by amending the part heading of part 215, and by adding sections 21506a and 21552; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 12, 2004, at 3:16 p.m.)

Date: October 12, 2004

Time: 5:00 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6227 (Public Act No. 391, I.E.), being

An act to amend 1933 PA 62, entitled "An act to provide limits on the rate of taxation on property; to provide for a division of the rate of taxation between counties, townships, municipal corporations, intermediate school districts, and other local units; to earmark funds raised by increasing the total tax limitation; to prescribe penalties and provide remedies; and to repeal all acts and parts of acts and charters and parts of charters of municipal corporations inconsistent with or contravening the provisions of this act," by amending section 5i (MCL 211.205i), as amended by 2001 PA 146.

(Filed with the Secretary of State October 13, 2004, at 9:20 a.m.)

Date: October 15, 2004

Time: 9:00 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5534 (Public Act No. 394, I.E.), being

An act to amend 1967 PA 281, entitled "An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts," by amending section 30 (MCL 206.30), as amended by 2002 PA 615.

(Filed with the Secretary of State October 15, 2004, at 1:43 p.m.)

Date: October 15, 2004

Time: 9:55 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4766 (Public Act No. 397, I.E.), being

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

certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding sections 21335 and 21735.

(Filed with the Secretary of State October 15, 2004, at 1:49 p.m.)

Date: October 15, 2004

Time: 10:07 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 6231 (Public Act No. 399, I.E.), being

An act to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 1279 and 1279d (MCL 380.1279 and 380.1279d), section 1279 as amended by 1997 PA 175 and section 1279d as added by 2002 PA 640.

(Filed with the Secretary of State October 15, 2004, at 1:53 p.m.)

Date: October 20, 2004

Time: 8:04 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5118 (Public Act No. 400, I.E.), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 5474c; and to repeal acts and parts of acts.

(Filed with the Secretary of State October 20, 2004, at 9:52 a.m.)

Date: October 20, 2004

Time: 8:06 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5874 (Public Act No. 401, I.E.), being

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

duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16648 (MCL 333.16648), as amended by 1998 PA 496.

(Filed with the Secretary of State October 20, 2004, at 9:54 a.m.)

Communications from State Officers

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

Notice of Filing
Administrative Rule

September 16, 2004

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:47 P.M. this date, administrative rule (04-09-02) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled "*Regulation No. 811. Premium Allotments to Fairs and Expositions*", effective October 1, 2004.

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

The communication was referred to the Clerk.

The following communication from the Family Independence Agency was received and read:

September 30, 2004

Pursuant to Section 311 of P.A. 167 of 2003, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Renewal Report	Delta County FIA		CP210201090
Special Investigation	Woodland Center	2004CO207012	CS470245817

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

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

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

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

September 30, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Office of School Support Services,
Department of Education
September 2004

October 7, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of the Michigan Commission for the Blind,
Department of Labor and Economic Growth and Family Independence Agency
October 2004

October 19, 2004

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of Northwestern Michigan College
October 2004

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

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

Announcements by the Clerk

September 28, 2004

Received from Schoolcraft College the audited financial statements and the management letter for the fiscal year ended June 30, 2004.

Gary L. Randall
Clerk of the House

By unanimous consent the House returned to the order of

Messages from the Senate

Senate Bill No. 144, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1304. The Senate has passed the bill.
The bill was read a first time by its title and referred to the Committee on Education.

Senate Bill No. 231, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 742 (MCL 330.1742), as amended by 1996 PA 588.
The Senate has passed the bill.
The bill was read a first time by its title and referred to the Committee on Health Policy.

Senate Bill No. 978, entitled

A bill to amend 1993 PA 331, entitled "State education tax act," by amending section 5b (MCL 211.905b), as added by 2004 PA 108.
The Senate has passed the bill.
The bill was read a first time by its title and referred to the Committee on Tax Policy.

Senate Bill No. 1149, entitled

A bill to commemorate the anniversary of the founding of the branches of the United States armed forces; and to prescribe the duties of certain state agencies and officials.
The Senate has passed the bill.
The bill was read a first time by its title and referred to the Committee on Government Operations.

Senate Bill No. 1150, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3515, 3519, 3523, 3529, 3533, 3569, and 3571 (MCL 500.3515, 500.3519, 500.3523, 500.3529, 500.3533, 500.3569, and 500.3571), sections 3515 and 3519 as amended by 2002 PA 621, sections 3523 and 3529 as amended by 2002 PA 304, and sections 3533, 3569, and 3571 as added by 2000 PA 252.

The Senate has passed the bill.

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

Senate Bill No. 1175, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2003 PA 183.

The Senate has passed the bill.

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

Senate Bill No. 1176, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 395.

The Senate has passed the bill.

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

Senate Bill No. 1181, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32607 (MCL 324.32607), as added by 2000 PA 278.

The Senate has passed the bill.

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

Senate Bill No. 1184, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 4i (MCL 117.4i), as amended by 1999 PA 55.

The Senate has passed the bill.

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

Senate Bill No. 1321, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," by amending section 2 (MCL 492.102), as amended by 1995 PA 166.

The Senate has passed the bill.

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

Senate Bill No. 1329, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 82119 (MCL 324.82119), as added by 1995 PA 58.

The Senate has passed the bill.

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

Senate Bill No. 1344, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 2b, 2c, 2d, and 2e.

The Senate has passed the bill.

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

Senate Bill No. 1366, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2000 PA 112.

The Senate has passed the bill.

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

Senate Bill No. 1383, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 10 (MCL 224.10), as amended by 2003 PA 137.

The Senate has passed the bill.

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

Senate Bill No. 1386, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2917a.

The Senate has passed the bill.

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

Senate Bill No. 1387, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 2953a.

The Senate has passed the bill.

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

Senate Bill No. 1432, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 1440, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19 of chapter XIIA (MCL 712A.19), as amended by 1998 PA 530.

The Senate has passed the bill.

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

Senate Bill No. 1441, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19c of chapter XIIA, (MCL 712A.19c), as amended by 2000 PA 46.

The Senate has passed the bill.

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

Senate Bill No. 1442, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 19a of chapter XIIA (MCL 712A.19a), as amended by 2000 PA 46.

The Senate has passed the bill.

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

Senate Bill No. 1444, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18 of chapter XIIA (MCL 712A.13a, 712A.13b, 712A.17d, and 712A.18), section 13a as amended by 2000 PA 55, section 13b as amended by 2000 PA 46, section 17d as added by 1998 PA 480, and section 18 as amended by 2004 PA 221.

The Senate has passed the bill.

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

Introduction of Bills

Rep. DeRossett introduced

House Bill No. 6296, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 43526 (MCL 324.43526), as amended by 1996 PA 585.

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

Rep. Minore introduced

House Bill No. 6297, entitled

A bill to amend 1982 PA 540, entitled "Library of Michigan act," by amending sections 4 and 5 (MCL 397.14 and 397.15), as amended by 2001 PA 62.

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

Rep. Condino introduced

House Bill No. 6298, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1211 (MCL 380.1211), as amended by 2003 PA 126.

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

Rep. Byrum introduced

House Bill No. 6299, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 255 (MCL 257.255), as amended by 2003 PA 9.

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

Reps. Condino, Minore, Lipsey and Hopgood introduced

House Bill No. 6300, entitled

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

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

Rep. Whitmer introduced

House Bill No. 6301, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8302, 8303, 8304, 8305, 8306, 8316, and 8333 (MCL 324.8302, 324.8303, 324.8304, 324.8305, 324.8306, 324.8316, and 324.8333), sections 8302, 8303, 8304, 8305, 8306, and 8333 as amended by 2002 PA 418, and by adding sections 8315a, 8315b, 8316a, 8316b, and 8321a.

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

Rep. Palmer introduced

House Bill No. 6302, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending section 4 (MCL 125.1504), as amended by 1999 PA 245.

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

Rep. Palmer introduced

House Bill No. 6303, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1101 (MCL 324.1101) and by adding part 6.

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

Rep. Palmer introduced

House Bill No. 6304, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 12.

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

Reps. Wenke and Lipsey introduced

House Bill No. 6305, entitled

A bill to provide for standards of accessibility for certain publicly funded housing; and to provide for certain powers and duties of certain state authorities.

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

Rep. Pastor introduced

House Bill No. 6306, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 513.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Rep. Pastor introduced

House Bill No. 6307, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 522a.

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

Rep. Pastor introduced

House Bill No. 6308, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30 (MCL 205.30), as amended by 1993 PA 14.

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

Rep. Richardville introduced

House Bill No. 6309, entitled

A bill to regulate the transfer of structured settlement rights; to place conditions on the transfer of structured settlement rights; to establish a procedure for approval of transfer of structured settlement rights; and to repeal acts and parts of acts.

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

Rep. Howell introduced

House Bill No. 6310, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 13a, 13b, 17d, 18, 19, 19a, and 19c of chapter XIII (MCL 712A.13a, 712A.13b, 712A.17d, 712A.18, 712A.19, 712A.19a, and 712A.19c), section 13a as amended by 2000 PA 55, sections 13b, 19a, and 19c as amended by 2000 PA 46, section 17d as added by 1998 PA 480, section 18 as amended by 2004 PA 221, and section 19 as amended by 1998 PA 530.

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

Rep. O'Neil introduced

House Bill No. 6311, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending section 75 (MCL 38.1075), as amended by 1998 PA 501.

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

Reps. Williams, Adamini, Vagnozzi and Phillips introduced

House Bill No. 6312, entitled

A bill to amend 1927, PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2003 PA 183.

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

Reps. Williams, Vagnozzi, Adamini and Phillips introduced

House Bill No. 6313, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 377d.

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

Reps. Rivet and Bradstreet introduced

House Bill No. 6314, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 13 (MCL 247.183), as amended by 2002 PA 151.

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

Rep. Howell introduced

House Bill No. 6315, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending sections 305 and 509 (MCL 38.2305 and 38.2509), section 305 as amended by 2002 PA 95.

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

Reps. Bieda, Minore, Lipsey, Gleason, Meisner, Whitmer, Vagnozzi, Law, Elkins, Dennis, O'Neil, Sak, Farrah, Hunter, Hood, Drolet, Rocca, Ward, Spade, Pappageorge, Wojno, Anderson and Condino introduced

House Bill No. 6316, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan unemployment security act," by amending section 3 (MCL 421.3), as amended by 2003 PA 174.

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

Reps. Pappageorge and Bieda introduced

House Bill No. 6317, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending the title and section 5b (MCL 421.5b), the title as amended by 1991 PA 10, and section 5b as added by 2002 PA 192.

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

Reps. Drolet and Bieda introduced

House Bill No. 6318, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 15 (MCL 421.15), as amended by 1996 PA 498.

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

Reps. Minore, Bieda and Dennis introduced

House Bill No. 6319, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 22 (MCL 421.22).

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

Reps. LaJoy and Bieda introduced

House Bill No. 6320, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 41 (MCL 421.41).

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

Reps. Richardville and Wojno introduced

House Bill No. 6321, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending section 4b (MCL 801.4b), as added by 2003 PA 124.

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

Rep. Condino introduced

House Bill No. 6322, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2962 (MCL 600.2962), as added by 1995 PA 249.

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

Reps. Ehardt, Koetje, Julian and Bisbee introduced

House Bill No. 6323, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 26, 28, 30, 59a, and 79 (MCL 38.1026, 38.1028, 38.1030, 38.1059a, and 38.1079), sections 26, 30, and 59a as amended by 2002 PA 97, section 28 as amended by 1981 PA 123, and section 79 as amended by 1998 PA 501.

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

Rep. Woronchak introduced

House Bill No. 6324, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 20i.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Rep. Woronchak introduced

House Bill No. 6325, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 104a (MCL 38.1404a), as amended by 1998 PA 213.

The bill was read a first time by its title and referred to the Committee on Senior Health, Security and Retirement.

Reps. Woronchak, Pumford and Pappageorge introduced

House Joint Resolution DD, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 9 of article II, to clarify the power of referendum when making appropriations.

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

By unanimous consent the House returned to the order of
Reports of Standing Committees

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

Senate Bill No. 959, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16901 and 16903 (MCL 333.16901 and 333.16903), as added by 1995 PA 126.

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, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Adamini and Bieda

Nays: None

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

Senate Bill No. 961, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," (MCL 551.101 to 551.111) by amending the title, as amended by 1998 PA 333, and by adding section 12.

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, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke and Adamini

Nays: None

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

Senate Bill No. 963, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending section 4 (MCL 551.104).

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, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Adamini and Condino

Nays: None

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

Senate Bill No. 964, entitled

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act," by amending the title and section 2 (MCL 551.102), as amended by 1998 PA 333, and by adding sections 2a and 2b.

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, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke and Adamini
 Nays: None

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

Senate Bill No. 966, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending section 7a (MCL 722.27a), as amended by 1996 PA 19.

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, Bradstreet, Pappageorge, Voorhees, Gaffney, Garfield, Wenke and Condino
 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, November 4, 2004

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

Absent: Reps. Lipsey and Bieda

Excused: Reps. Lipsey and Bieda

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

Senate Bill No. 736, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 717 (MCL 257.717), as amended by 2002 PA 552.

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. DeRossett, Casperson, Hummel, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson and Jamnick
 Nays: None

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

Senate Bill No. 1243, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.1100) by adding section 73.

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. DeRossett, Casperson, Hummel, Gaffney, Hune, LaJoy, Robertson, Ward, Anderson, Jamnick, Gleason and Tobocman

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. DeRossett, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Thursday, November 4, 2004

Present: Reps. DeRossett, Casperson, Hummel, Gaffney, Hune, Huizenga, LaJoy, Robertson, Ward, Anderson, Jannick, Gleason and Tobocman

Absent: Reps. DeRoche, Adamini, Murphy and Elkins

Excused: Reps. DeRoche, Adamini, Murphy and Elkins

Rep. McConico moved that the House adjourn.
The motion prevailed, the time being 1:20 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, November 9, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

