

No. 86
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House Chamber, Lansing, Wednesday, November 12, 2003.

1:00 p.m.

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

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

Accavitti—present	Garfield—present	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—excused	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—e/d/s	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—excused
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. Glenn Steil, Jr., from the 72nd District, offered the following invocation:

“Dear God, we are so grateful to live in a nation where we are free to worship and praise You. We thank You for the brave men and women who served and fought to protect our freedom, like those we honored yesterday, and we pray for You to watch over those who protect this country today. Lord, we ask that You watch over this legislature, and that we keep Your will in mind as we make wise, rational decisions. Please give us the understanding to know that we are all unique in Your eyes, and that while we all may not always agree with one another, we are all Your children, and we are brothers and sisters in You. As the holidays approach, there are so many exciting and interesting things that command our attention. Please, Lord, remind us that all the blessings life can bring are in our family, friends and faith. We ask this in Your name and in Christ our Savior. Amen.”

Rep. Waters moved that Reps. Gillard and Whitmer be excused from today’s session.
The motion prevailed.

Rep. Plakas moved that Rep. Kolb be excused temporarily from today’s session.
The motion prevailed.

Rep. Palmer moved that Rep. DeRossett be excused temporarily from today’s session.
The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4753, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 57b (MCL 257.57b).

(The bill was received from the Senate on November 5, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 6, see House Journal No. 84, p. 2059.)

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

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

Roll Call No. 617

Yeas—104

Accavitti	Garfield	Meyer	Sheen
Acciavatti	Gielegem	Middaugh	Sheltrown
Adamini	Gleason	Milosch	Shulman
Amos	Hager	Minore	Smith
Anderson	Hardman	Moolenaar	Spade
Bieda	Hart	Mortimer	Stahl
Bisbee	Hood	Murphy	Stakoe
Bradstreet	Hoogendyk	Newell	Stallworth
Brown	Hopgood	Nitz	Steil
Byrum	Howell	Nofs	Stewart
Casperson	Huizenga	O’Neil	Tabor
Caswell	Hummel	Paletko	Taub
Caul	Hune	Palmer	Tobocman
Cheeks	Hunter	Palsrok	Vagnozzi
Clack	Jamnack	Pappageorge	Van Regenmorter
Condino	Johnson, Rick	Pastor	Vander Veen
Daniels	Johnson, Ruth	Plakas	Voorhees

Dennis	Julian	Pumford	Walker
DeRoche	Koetje	Reeves	Ward
Drolet	Kooiman	Richardville	Waters
Ehardt	LaJoy	Rivet	Wenke
Elkins	LaSata	Robertson	Williams
Emmons	Law	Rocca	Wojno
Farhat	Lipsey	Sak	Woodward
Farrah	McConico	Shackleton	Woronchak
Gaffney	Meisner	Shaffer	Zelenko

Nays—1

Brandenburg

In The Chair: Julian

The House agreed to the full title of the bill.

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

The Speaker laid before the House

House Bill No. 4263, entitled

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain cities for the development or redevelopment projects,” by amending the title and sections 1, 2, 4, 5, and 6 (MCL 125.981, 125.982, 125.984, 125.985, and 125.986), the title as amended by 2001 PA 260, sections 1, 2, and 5 as amended by 2001 PA 261, section 4 as amended by 1999 PA 49, and section 6 as amended by 1992 PA 146.

(The bill was received from the Senate on November 6, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 85, p. 2086.)

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

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

Roll Call No. 618**Yeas—103**

Accavitti	Gaffney	Meyer	Sheltrown
Acciavatti	Garfield	Middaugh	Shulman
Adamini	Gielegem	Milosch	Smith
Amos	Gleason	Minore	Spade
Anderson	Hager	Moolenaar	Stahl
Bieda	Hardman	Mortimer	Stakoe
Bisbee	Hart	Murphy	Stallworth
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O’Neil	Taub
Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Johnson, Rick	Pastor	Voorhees

Condino	Johnson, Ruth	Plakas	Walker
Daniels	Julian	Pumford	Ward
Dennis	Koetje	Reeves	Waters
DeRoche	Kooiman	Richardville	Wenke
Drolet	LaJoy	Robertson	Williams
Ehardt	LaSata	Rocca	Wojno
Elkins	Law	Sak	Woodward
Emmons	Lipsey	Shackleton	Woronchak
Farhat	McConico	Shaffer	Zelenko
Farrah	Meisner	Sheen	

Nays—1

Jamnack

In The Chair: Julian

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

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

“Mr. Speaker and members of the House:

I voted against the Senate concurrence of House Bill 4263 because the Senate amendment would not be applicable for the entire state. In the bill as passed the House, all local units regardless of where they are located could use this economic tool.

In the version returned to us, only communities in Macomb, Wayne and Oakland Counties can utilize this tool. I believe that if this is good public policy for Southeast Michigan then it should be good public policy throughout the state.”

The Speaker laid before the House

House Bill No. 5156, entitled

A bill to amend 1909 PA 279, entitled “The home rule city act,” (MCL 117.1 to 117.38) by adding section 36a.

(The bill was received from the Senate on November 6, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 85, p. 2087.)

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

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

Roll Call No. 619

Yeas—86

Accavitti	Gielegem	Meisner	Shulman
Acciavatti	Gleason	Meyer	Smith
Adamini	Hager	Milosch	Spade
Amos	Hardman	Minore	Stakoe
Anderson	Hart	Moolenaar	Stallworth
Bieda	Hood	Mortimer	Stewart
Bisbee	Hoogendyk	Murphy	Tabor
Brown	Hopgood	Newell	Taub
Byrum	Howell	O’Neil	Tobocman

Casperson	Huizenga	Paletko	Vagnozzi
Cheeks	Hummel	Palsrok	Vander Veen
Clack	Hune	Plakas	Voorhees
Condino	Hunter	Pumford	Walker
Daniels	Jamnick	Reeves	Ward
Dennis	Johnson, Rick	Richardville	Waters
DeRossett	Julian	Rivet	Wenke
Drolet	Kolb	Rocca	Williams
Elkins	Kooiman	Sak	Wojno
Emmons	LaJoy	Shaffer	Woodward
Farhat	Law	Sheen	Woronchak
Farrah	Lipsey	Sheltrown	Zelenko
Gaffney	McConico		

Nays—21

Bradstreet	Garfield	Nitz	Robertson
Brandenburg	Johnson, Ruth	Nofs	Shackleton
Caswell	Koetje	Palmer	Stahl
Caul	LaSata	Pappageorge	Steil
DeRoche	Middaugh	Pastor	Van Regenmorter
Ehardt			

In The Chair: Julian

The House agreed to the full title of the bill.

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

Rep. Phillips entered the House Chambers.

House Bill No. 4599, entitled

A bill to repeal local acts restricting hunting on Sundays in the counties of Tuscola, Lenawee, Hillsdale, and St. Clair.

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

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

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

Rep. Kooiman moved that Rule 45 be suspended.

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

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

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

Roll Call No. 620**Yeas—83**

Acciavatti	Farhat	McConico	Sak
Adamini	Farrah	Meisner	Shackleton
Amos	Gaffney	Meyer	Shaffer
Bieda	Garfield	Milosch	Sheen
Bisbee	Gielegem	Moolenaar	Sheltrown
Bradstreet	Gleason	Mortimer	Shulman

Brandenburg	Hager	Murphy	Stahl
Brown	Hart	Newell	Stakoe
Byrum	Hoogendyk	Nitz	Steil
Casperson	Howell	Nofs	Stewart
Caswell	Huizenga	O'Neil	Tabor
Caul	Hummel	Paletko	Taub
Cheeks	Hune	Palmer	Walker
Condino	Hunter	Palsrok	Ward
Dennis	Johnson, Rick	Pastor	Waters
DeRoche	Julian	Phillips	Wenke
DeRossett	Koetje	Pumford	Williams
Drolet	Kooiman	Richardville	Wojno
Ehardt	LaJoy	Rivet	Woodward
Elkins	LaSata	Robertson	Woronchak
Emmons	Law	Rocca	

Nays—25

Accavitti	Jamnick	Pappageorge	Tobocman
Anderson	Johnson, Ruth	Plakas	Vagnozzi
Clack	Kolb	Reeves	Van Regenmorter
Daniels	Lipsey	Smith	Vander Veen
Hardman	Middaugh	Spade	Voorhees
Hood	Minore	Stallworth	Zelenko
Hopgood			

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 5045, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3102 (MCL 500.3102), as amended by 1990 PA 79.

The bill was read a second time.

Rep. Woodward moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

“(4)(a) An insurer shall notify the secretary of state if a policy expires without being renewed or is terminated or if a policyholder cancels his or her automobile insurance policy. An insurer shall also notify the secretary of state when it sells or provides coverage for the vehicle. The notice of expiration, termination, cancellation or purchase shall contain all of the following information:

(i) The vehicle identification number.

(ii) The name and address of the insurer.

(iii) The insurance policy number.

(iv) The time and date of expiration, termination, cancellation or purchase.

(b) Notice under this subsection must be made within 14 days of the occurrence of the expiration, termination, cancellation or purchase.”.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

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

Roll Call No. 621**Yeas—44**

Accavitti	Elkins	Lipsey	Sheltrown
Adamini	Farrah	McConico	Smith
Anderson	Gielegem	Meisner	Spade
Bieda	Gleason	Minore	Stallworth
Brown	Hardman	Murphy	Tobocman
Byrum	Hood	O'Neil	Vagnozzi
Caul	Hopgood	Paletko	Waters
Cheeks	Hunter	Plakas	Williams
Clack	Jamnick	Reeves	Wojno
Condino	Kolb	Rivet	Woodward
Dennis	Law	Sak	Zelenko

Nays—59

Acciavatti	Hoogendyk	Mortimer	Shulman
Amos	Huizenga	Newell	Stahl
Bisbee	Hummel	Nitz	Stakoe
Bradstreet	Hune	Nofs	Steil
Brandenburg	Johnson, Rick	Palmer	Stewart
Casperson	Johnson, Ruth	Palsrok	Tabor
Caswell	Julian	Pappageorge	Taub
DeRoche	Koetje	Pastor	Van Regenmorter
DeRossett	Kooiman	Pumford	Vander Veen
Drolet	LaJoy	Richardville	Voorhees
Emmons	LaSata	Robertson	Walker
Farhat	Meyer	Rocca	Ward
Garfield	Middaugh	Shackleton	Wenke
Hager	Milosch	Shaffer	Woronchak
Hart	Moolenaar	Sheen	

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 2, line 10, after “\$1,000.00” by striking out the comma and “or both.” and inserting “or be required to purchase a six-month no-cancellation no-fault policy.”.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

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

Roll Call No. 622**Yeas—44**

Accavitti	Elkins	Lipsey	Sheltrown
Adamini	Farrah	McConico	Smith
Anderson	Gielegem	Meisner	Spade
Bieda	Gleason	Minore	Stallworth
Brown	Hardman	Murphy	Tobocman
Byrum	Hood	O'Neil	Vagnozzi

Cheeks	Hopgood	Phillips	Waters
Clack	Hunter	Plakas	Williams
Condino	Jamnack	Reeves	Wojno
Daniels	Kolb	Rivet	Woodward
Dennis	Law	Sak	Zelenko

Nays—62

Acciavatti	Hart	Mortimer	Sheen
Amos	Hoogendyk	Newell	Shulman
Bisbee	Huizenga	Nitz	Stahl
Bradstreet	Hummel	Nofs	Stakoe
Brandenburg	Hune	Paletko	Steil
Casperson	Johnson, Rick	Palmer	Stewart
Caswell	Johnson, Ruth	Palsrok	Tabor
Caul	Julian	Pappageorge	Taub
DeRoche	Koetje	Pastor	Van Regenmorter
DeRossett	Kooiman	Pumford	Vander Veen
Drolet	LaJoy	Richardville	Voorhees
Ehardt	LaSata	Robertson	Walker
Emmons	Meyer	Rocca	Ward
Farhat	Middaugh	Shackleton	Wenke
Garfield	Milosch	Shaffer	Woronchak
Hager	Moolenaar		

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 2, line 9, after “**punished**” by striking out “**by imprisonment for not more than 1 year**”.
2. Amend page 2, line 10, after “**\$1,000.00**” by striking out the comma and “**or both**”.

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

Rep. Bieda moved to amend the bill as follows:

1. Amend page 2, following line 18, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4268 of the 92nd Legislature is enacted into law.”.

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

Rep. Bieda demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 623**Yeas—43**

Accavitti	Ehardt	Lipsey	Sheltrown
Adamini	Elkins	Meisner	Spade
Anderson	Farrah	Minore	Stallworth
Bieda	Gielegthem	Murphy	Tobocman
Brown	Gleason	O’Neil	Vagnozzi
Byrum	Hardman	Paletko	Waters
Cheeks	Hood	Phillips	Williams

Clack	Hopgood	Plakas	Wojno
Condino	Hunter	Reeves	Woodward
Daniels	Jamnick	Rivet	Zelenko
Dennis	Law	Sak	

Nays—61

Acciavatti	Hoogendyk	Moolenaar	Sheen
Amos	Huizenga	Mortimer	Shulman
Bisbee	Hummel	Newell	Stahl
Bradstreet	Hune	Nitz	Stakoe
Brandenburg	Johnson, Rick	Nofs	Steil
Casperson	Johnson, Ruth	Palmer	Stewart
Caswell	Julian	Palsrok	Tabor
Caul	Koetje	Pappageorge	Taub
DeRoche	Kolb	Pastor	Van Regenmorter
DeRossett	Kooiman	Pumford	Vander Veen
Drolet	LaJoy	Richardville	Voorhees
Emmons	LaSata	Robertson	Walker
Farhat	Meyer	Rocca	Ward
Garfield	Middaugh	Shackleton	Wenke
Hager	Milosch	Shaffer	Woronchak
Hart			

In The Chair: Julian

Rep. Woronchak moved to amend the bill as follows:

1. Amend page 2, line 8, by striking out “**may**” and inserting “**shall**”.

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

Rep. Woodward moved to amend the bill as follows:

1. Amend page 1, line 4, after “state” by striking out “for an aggregate of more than 30 days in any calendar year”.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

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

Roll Call No. 624**Yeas—54**

Accavitti	Dennis	Lipsey	Sak
Acciavatti	Elkins	McConico	Sheltrown
Adamini	Farhat	Meisner	Smith
Amos	Farrah	Milosch	Spade
Anderson	Gielegem	Minore	Stallworth
Bieda	Gleason	Murphy	Taub
Brandenburg	Hardman	Nofs	Tobocman
Brown	Hood	O’Neil	Vagnozzi
Byrum	Hopgood	Paletko	Waters
Casperson	Hunter	Phillips	Williams
Cheeks	Jamnick	Plakas	Wojno
Clack	Kolb	Reeves	Woodward

Condino
Daniels

LaJoy
Law

Rivet

Zelenko

Nays—49

Bisbee
Bradstreet
Caswell
Caul
DeRoche
DeRossett
Drolet
Emmons
Garfield
Hager
Hart
Hoogendyk
Huizenga

Hummel
Hune
Johnson, Rick
Johnson, Ruth
Julian
Koetje
Kooiman
LaSata
Meyer
Middaugh
Moolenaar
Mortimer

Newell
Nitz
Palmer
Palsrok
Pappageorge
Pastor
Pumford
Richardville
Robertson
Rocca
Shackleton
Shaffer

Sheen
Shulman
Stahl
Steil
Tabor
Van Regenmorter
Vander Veen
Voorhees
Walker
Ward
Wenke
Woronchak

In The Chair: Julian

Rep. Woronchak 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. 5045, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3102 (MCL 500.3102), as amended by 1990 PA 79.

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

Roll Call No. 625

Yeas—67

Accavitti
Acciavatti
Amos
Anderson
Bieda
Bisbee
Brandenburg
Brown
Casperson
Caswell
Caul
Dennis
DeRoche
DeRossett
Ehardt

Gaffney
Garfield
Hager
Hart
Hoogendyk
Huizenga
Hummel
Hune
Jamnack
Johnson, Rick
Julian
Koetje
Kolb
Kooiman
LaJoy

Meyer
Middaugh
Milosch
Mortimer
Newell
Nitz
O'Neil
Paletko
Palmer
Palsrok
Pappageorge
Pastor
Pumford
Richardville
Robertson

Shackleton
Shaffer
Sheen
Shulman
Spade
Stahl
Steil
Taub
Vagnozzi
Van Regenmorter
Vander Veen
Voorhees
Ward
Wenke
Wojno

Emmons
Farhat

LaSata
Law

Rocca
Sak

Woronchak

Nays—40

Adamini
Bradstreet
Byrum
Cheeks
Clack
Condino
Daniels
Drolet
Elkins
Farrah

Gielegem
Gleason
Hardman
Hood
Hopgood
Hunter
Johnson, Ruth
Lipse
McConico
Meisner

Minore
Moolenaar
Murphy
Nofs
Phillips
Plakas
Reeves
Rivet
Sheltrown
Smith

Stakoe
Stallworth
Stewart
Tabor
Tobocman
Walker
Waters
Williams
Woodward
Zelenko

In The Chair: Julian

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

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

“Mr. Speaker and members of the House:

Under current law in Michigan there exists a situation where insurance companies are engaging in the practices of ‘red-lining’ and credit scoring. The result is a variation in pricing that is punitive and unfair in nature. What’s more, one’s credit should not reflect, at all, on the insurance rates one pays.

I voted against this bill because any legislative package that does not address the issues I’ve raised misses the point and does not deserve support. The most effective use of taxpayer dollars is to deal with these issues in a comprehensive fashion. The House did not do that today.”

Reps. Zelenko, Waters and Condino, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 5045 because the bill fails to address the real problem behind uninsured drivers, the exorbitant rates of insurance. We live in a state where people are particularly dependent upon the use of a motor vehicle as part of their daily lives (a dependence that is encouraged by among other things, urban sprawl, freeways and poor public transportation).

The State of Michigan requires people to buy no-fault insurance, as a result, the State owes a duty to its citizens to make sure that insurance is available to everyone at reasonable rates. Unfortunately, many people in our urban areas face insurance rates that are so high, particularly when compared to their suburban neighbors, that they are forced to choose between purchasing insurance and putting food on the table.

Clearly what is needed to solve the problem of people driving without insurance is a significant change in the regulation of the industry - the elimination of territorial pricing that inflates rates in some areas in order to decrease them in others, the use of premium discounts to drive up base rates, the use of credit scoring, the ability of insurance companies to increase their rates without notice to their customers or the approval of the insurance commissioner, the gross disparity between rates in neighboring communities that makes people feel they are being cheated by the insurance companies, the fact that uninsured motorists are rarely caught and a host of other changes aimed at forcing insurance rates down. All of these issues should be addressed before we go after the simplistic ‘solution’ of increasing penalties.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5045 because it appears to address a serious problem but will have no real impact. The bill presumes that uninsured motorists are motivated solely by the fact that in many cases the fine for an uninsured driver can be less than the amount the driver would have to pay for insurance. But most people don't think that way - most people who violate the law do so because they don't believe that they will be caught.

Uninsured drivers are a serious problem, but I cannot support legislation that will simply increase the penalty without dealing with the underlying problems. While increasing the cost of being caught should be part of a package to deal with the problem, it should be the last step, not the first.

What this state needs is to address the difficulty of identifying uninsured drivers, not a higher penalty. Other states have implemented laws requiring insurance companies to help the State keep track of those drivers who have insurance. This has allowed police to identify vehicles that have proper insurance by registration number, making it much more likely that uninsured motorists will be caught and punished. Increasing the likelihood that uninsured motorists will be caught is a far more effective means of reducing the number of uninsured motorists than increasing a penalty that few motorists will ever be forced to pay.

Michigan's automobile registration system, like that of many other states does nothing to help the police to track uninsured drivers. Although drivers are required to show proof of insurance in order to register their vehicle each year, there is no requirement to alert the Secretary of State and the police when a driver's insurance has lapsed, expired or been cancelled (this is in spite of the fact that the insurers are acutely aware of when a person's insurance coverage has ended). Even worse, on the rare occasions when a person without insurance is stopped by the police, the lack of standardization in proof of insurance papers makes it hard to know whether the proof offered is real or fake. Currently, each insurer is allowed to create its own proof of insurance - they are of differing shapes, sizes, print, and paper and are not easily identified by either police or policy holders.”

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 Wednesday, November 5:

Senate Bill Nos. 819 825 826 827

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

**House Bill Nos. 5266 5267 5268 5269 5270 5271 5272 5273 5274 5275 5276 5277 5278 5279
5280 5281 5282 5283 5284 5285 5286 5287 5288**

The Clerk announced the enrollment printing and presentation to the Governor on Wednesday, November 12, for her approval of the following bills:

**Enrolled House Bill No. 4283 at 3:17 p.m.
Enrolled House Bill No. 4613 at 3:19 p.m.
Enrolled House Bill No. 4660 at 3:21 p.m.
Enrolled House Bill No. 4907 at 3:23 p.m.
Enrolled House Bill No. 4950 at 3:25 p.m.
Enrolled House Bill No. 5054 at 3:27 p.m.**

The Clerk announced that the following Senate bills had been received on Wednesday, November 12:

Senate Bill Nos. 637 820 821 822 824

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 5264, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5270, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Koetje, Middaugh, Drolet, Huizenga, Hune, Palsrok, Wenke, Rivet, McConico, Murphy, Tobocman and Accavitti

Nays: None

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

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

With the recommendation that the substitute (H-6) 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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Koetje, Middaugh, Huizenga, Hune, Milosch, Palsrok, Wenke, O'Neil and McConico

Nays: Rep. Tobocman

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

Senate Bill No. 805, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 19608 (MCL 324.19608), as added by 1998 PA 288.

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.

Favorable Roll Call

To Report Out:

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

Nays: None

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

Senate Bill No. 806, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 19608a.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Bisbee, DeRoche, Middaugh, Drolet, Huizenga, Hune, Palsrok, Wenke, O'Neil, Murphy, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 12, 2003, at 9:00 a.m.

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

Absent: Reps. Howell and Lipsey

Excused: Reps. Howell and Lipsey

Rep. Caswell moved that Rep. Woronchak be excused from the balance of today's session.
The motion prevailed.

Rep. Sak moved that Rep. O'Neil be excused from the balance of today's session.
The motion prevailed.

Second Reading of Bills

Rep. Richardville moved that Rule 48 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

Was read a second time, and the question being on the adoption of the proposed substitute (H-6) previously recommended by the Committee on Commerce,

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

Rep. Woodward moved to amend the bill as follows:

1. Amend page 40, line 2, by striking out all of section 48.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

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

Roll Call No. 626

Yeas—48

Accavitti
Adamini
Anderson

Elkins
Farrah
Gielegghem

Law
Lipsey
McConico

Sak
Sheltrown
Smith

Bieda	Gleason	Meisner	Spade
Brown	Hardman	Minore	Stallworth
Byrum	Hart	Murphy	Tobocman
Cheeks	Hood	Paletko	Vagnozzi
Clack	Hopgood	Phillips	Waters
Condino	Hunter	Plakas	Williams
Daniels	Jamnick	Reeves	Wojno
Dennis	Kolb	Rivet	Woodward
DeRossett	LaSata	Rocca	Zelenko

Nays—58

Acciavatti	Hager	Moolenaar	Sheen
Amos	Hoogendyk	Mortimer	Shulman
Bisbee	Howell	Newell	Stahl
Bradstreet	Huizenga	Nitz	Stakoe
Brandenburg	Hummel	Nofs	Steil
Casperson	Hune	Palmer	Stewart
Caswell	Johnson, Rick	Palsrok	Tabor
Caul	Johnson, Ruth	Pappageorge	Taub
DeRoche	Julian	Pastor	Van Regenmorter
Drolet	Koetje	Pumford	Vander Veen
Ehardt	Kooiman	Richardville	Voorhees
Emmons	LaJoy	Robertson	Walker
Farhat	Meyer	Shackleton	Ward
Gaffney	Middaugh	Shaffer	Wenke
Garfield	Milosch		

In The Chair: Julian

Rep. Brandenburg moved that Rep. Caswell be excused temporarily from today's session.
The motion prevailed.

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 19, line 25, after "exceed" by striking out "14%" and inserting "10%".

The question being on the adoption of the amendment offered by Rep. Tobocman,

Rep. Tobocman demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Tobocman,

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

Roll Call No. 627**Yeas—55**

Accavitti	DeRossett	LaJoy	Rocca
Acciavatti	Elkins	Law	Sak
Adamini	Farhat	Lipsey	Sheltrown
Amos	Farrah	McConico	Smith
Anderson	Gielegthem	Meisner	Spade
Bieda	Gleason	Minore	Stallworth

Brown	Hager	Mortimer	Tobocman
Byrum	Hardman	Murphy	Vagnozzi
Caul	Hart	Nofs	Waters
Cheeks	Hood	Paletko	Williams
Clack	Hopgood	Phillips	Wojno
Condino	Hunter	Plakas	Woodward
Daniels	Jamnick	Reeves	Zelenko
Dennis	Kolb	Rivet	

Nays—48

Bisbee	Huizenga	Newell	Stahl
Bradstreet	Hummel	Nitz	Stakoe
Brandenburg	Hune	Palmer	Steil
Casperson	Johnson, Rick	Palsrok	Stewart
DeRoche	Johnson, Ruth	Pappageorge	Tabor
Drolet	Julian	Pastor	Taub
Ehardt	Koetje	Richardville	Van Regenmorter
Emmons	LaSata	Robertson	Vander Veen
Gaffney	Meyer	Shackleton	Voorhees
Garfield	Middaugh	Shaffer	Walker
Hoogendyk	Milosch	Sheen	Ward
Howell	Moolenaar	Shulman	Wenke

In The Chair: Julian

Rep. Hune moved to amend the bill as follows:

1. Amend page 15, following line 12, by inserting:

“(8) The response to an inquiry to the database provider by a licensee shall only state that a person is eligible or ineligible for a new deferred presentation service transaction or a limited recourse service transaction and describe the reason for that determination. Only the person seeking the transaction may make a direct inquiry to the database provider to request a more detailed explanation of a particular transaction that was the basis for the ineligibility determination. Any information regarding any person’s transactional history is confidential, is not subject to public inspection, and is not a public record subject to the disclosure requirements of the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.” and renumbering the remaining subsections.

2. Amend page 23, line 19, after “in” by striking out “this subsection” and inserting “subsection (2)”.

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

Rep. Rivet moved to amend the bill as follows:

1. Amend page 15, line 16, after “only” by striking out the balance of the subsection and inserting “for the purposes of this act and shall not have access to the additional data available to licensees under subsection (4)(d).”.

2. Amend page 15, line 22, by striking out “of” and inserting “or”.

3. Amend page 23, line 6, after “(a)” by striking “Verifying” and inserting “If the commissioner has not implemented a database under section 22 or the database described in subsection (1) is not fully operational, verifying”.

4. Amend page 24, line 19, after “pass” by inserting “up to”.

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

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

The motion prevailed.

House Bill No. 5222, entitled

A bill to amend 1999 PA 244, entitled “An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act,” by amending section 2 (MCL 445.2052).

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

House Bill No. 5222, entitled

A bill to amend 1999 PA 244, entitled “An act to require tobacco product manufacturers to place funds in escrow for medical expenses incurred by the state due to tobacco related illnesses; to establish a formula for determining the amount of the escrow; to establish the conditions for release of funds from escrow; to prescribe powers and duties of the attorney general; and to provide for civil penalties for violation of this act,” by amending section 2 (MCL 445.2052).

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

Roll Call No. 628

Yeas—88

Accavitti	Gleason	Meyer	Sheltrown
Adamini	Hager	Middaugh	Shulman
Amos	Hardman	Minore	Smith
Anderson	Hart	Moolenaar	Spade
Bieda	Hood	Murphy	Stallworth
Bisbee	Hopgood	Newell	Steil
Brown	Howell	Nitz	Stewart
Byrum	Huizenga	Nofs	Tabor
Caul	Hune	Paletko	Taub
Cheeks	Hunter	Palsrok	Tobocman
Clack	Jamnick	Pappageorge	Vagnozzi
Condino	Johnson, Rick	Pastor	Van Regenmorter
Daniels	Julian	Phillips	Vander Veen
Dennis	Koetje	Plakas	Voorhees
DeRoche	Kolb	Pumford	Walker
Elkins	Kooiman	Reeves	Ward
Emmons	LaJoy	Richardville	Waters
Farhat	LaSata	Rivet	Wenke
Farrah	Law	Robertson	Williams
Gaffney	Lipsey	Rocca	Wojno
Garfield	McConico	Sak	Woodward
Gielegem	Meisner	Shackleton	Zelenko

Nays—16

Acciavatti	Caswell	Hoogendyk	Palmer
Bradstreet	DeRossett	Hummel	Sheen
Brandenburg	Drolet	Johnson, Ruth	Stahl
Casperson	Ehardt	Milosch	Stakoe

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I do not believe that the tobacco companies that were not in existence when the offense on which the original companies settled should be taxed or put at a disadvantage for what they had no part.”

Second Reading of Bills

House Bill No. 5221, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

The bill was read a second time.

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. 5221, entitled

A bill to amend 1993 PA 327, entitled “Tobacco products tax act,” (MCL 205.421 to 205.436) by amending the title, as amended by 1997 PA 187, and by adding section 6d.

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

Roll Call No. 629

Yeas—84

Accavitti	Garfield	Meisner	Sheltrown
Adamini	Gieleghem	Meyer	Shulman
Amos	Gleason	Middaugh	Spade
Anderson	Hager	Minore	Stallworth
Bieda	Hardman	Moolenaar	Steil
Bisbee	Hart	Murphy	Stewart
Brown	Hood	Newell	Tabor
Byrum	Hopgood	Nitz	Taub
Caul	Howell	Nofs	Tobocman
Cheeks	Huizenga	Paletko	Vagnozzi
Clack	Hunter	Palsrok	Van Regenmorter
Condino	Jamnick	Pappageorge	Vander Veen
Daniels	Johnson, Rick	Pastor	Voorhees
Dennis	Julian	Phillips	Walker
DeRoche	Koetje	Plakas	Ward
Ehardt	Kooiman	Pumford	Waters
Elkins	LaJoy	Richardville	Wenke
Emmons	LaSata	Rivet	Williams
Farhat	Law	Sak	Wojno
Farrah	Lipsey	Shackleton	Woodward
Gaffney	McConico	Shaffer	Zelenko

Nays—18

Acciavatti	DeRossett	Johnson, Ruth	Rocca
Bradstreet	Drolet	Milosch	Sheen

Brandenburg
Casperson
Caswell

Hoogendyk
Hummel
Hune

Palmer
Robertson

Stahl
Stakoe

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Sheen, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I do not believe that the tobacco companies that were not in existence when the offense on which the original companies settled should be taxed or put at a disadvantage for what they had no part.”

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4938, entitled

A bill to provide for the qualification, appointment, and regulation of notaries; to provide for the levy, assessment, and collection of certain service charges and fees and to provide for their disposition; to create certain funds for certain purposes; to provide for liability for certain persons; to provide for the admissibility of certain evidence; to prescribe powers and duties of certain state agencies and local officers; to provide for remedies and penalties; and to repeal acts and parts of acts.

(The bill was received from the Senate on November 6, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 85, p. 2086.)

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

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

Roll Call No. 630

Yeas—99

Accavitti
Acciavatti
Adamini
Amos
Anderson
Bieda
Bisbee
Brandenburg
Brown
Byrum
Casperson
Caul
Cheeks
Clack
Condino
Daniels
Dennis
DeRoche

Gielegem
Gleason
Hager
Hardman
Hart
Hood
Hoogendyk
Hopgood
Howell
Huizenga
Hummel
Hune
Hunter
Jamnick
Johnson, Rick
Julian
Koetje
Kolb

Meyer
Middaugh
Minore
Moolenaar
Mortimer
Murphy
Newell
Nitz
Nofs
Paletko
Palmer
Palsrok
Pappageorge
Pastor
Phillips
Plakas
Pumford
Reeves

Sheen
Sheltrown
Shulman
Smith
Spade
Stahl
Stakoe
Stallworth
Steil
Stewart
Tabor
Taub
Tobocman
Vagnozzi
Van Regenmorter
Vander Veen
Voorhees
Walker

Drolet	Kooiman	Richardville	Ward
Ehardt	LaJoy	Rivet	Waters
Emmons	LaSata	Robertson	Wenke
Farhat	Law	Rocca	Williams
Farrah	Lipsey	Sak	Woodward
Gaffney	McConico	Shackleton	Zelenko
Garfield	Meisner	Shaffer	

Nays—7

Bradstreet	DeRossett	Johnson, Ruth	Wojno
Caswell	Elkins	Milosch	

In The Chair: Julian

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

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

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

The Committee on Tax Policy, by Rep. Wenke, Chair, reported
House Bill No. 4702, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 8 and 27 (MCL 211.8 and 211.27), section 8 as amended by 2002 PA 620 and section 27 as amended by 2002 PA 744.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs and Stakoe

Nays: None

The Committee on Tax Policy, by Rep. Wenke, Chair, reported
Senate Bill No. 700, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 89a (MCL 211.89a), as added by 1994 PA 189, and by adding section 89b.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, Minore, Farrah, Bieda, Zelenko and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Wenke, Chair of the Committee on Tax Policy, was received and read:
Meeting held on: Wednesday, November 12, 2003, at 9:00 a.m.

Present: Reps. Wenke, Sheen, Koetje, Woronchak, Meyer, Drolet, Hummel, Palmer, Milosch, Nofs, Stakoe, O'Neil, Minore, Farrah, Bieda, Zelenko and Condino

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Chair, reported
House Bill No. 4896, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40107a (MCL 324.40107a), as added by 1998 PA 470.

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.

Favorable Roll Call

To Report Out:

Yeas: Reps. Tabor, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Farrah and Sheltroun

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Wednesday, November 12, 2003, at 10:30 a.m.

Present: Reps. Tabor, Milosch, Bradstreet, Ehardt, Richardville, Rocca, Nitz, Farrah, Sheltroun and Accavitti

Absent: Rep. Gillard

Excused: Rep. Gillard

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported
Senate Bill No. 648, entitled

A bill to amend 1917 PA 167, entitled "Housing law of Michigan," (MCL 125.401 to 125.543) by adding section 85a.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, following line 13, enacting section 1, after "effect" by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported
Senate Bill No. 649, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7401c (MCL 333.7401c), as added by 2000 PA 314.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 4, following line 25, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act takes effect April 1, 2004."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 650, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17766c (MCL 333.17766c), as added by 1994 PA 38.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 25, by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 651, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13n of chapter XVII (MCL 777.13n), as added by 2002 PA 30.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, line 30, by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 652, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 502d.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, line 11, by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 658, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 80134a.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 2, following line 4, enacting section 1, after "effect" by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 659, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13g of chapter XVII (MCL 777.13g), as added by 2002 PA 30.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 2, line 19, after "**impairment**" by inserting "**or death**".
2. Amend page 2, line 22, after "**death**" by inserting "**when at fault**".
3. Amend page 4, following line 15, after "effect" by striking out "January 31" and inserting "April 1".

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 698, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2002 PA 711.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 5, following line 37, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This amendatory act takes effect April 1, 2004."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

The Committee on Criminal Justice, by Rep. Van Regenmorter, Chair, reported

Senate Bill No. 777, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16x of chapter XVII (MCL 777.16x), as amended by 2002 PA 320.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, following line 28, by striking out all of enacting section 1 and inserting:
"Enacting section 1. This amendatory act takes effect April 1, 2004."

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Stakoe, Gaffney, Nofs, Meisner and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair of the Committee on Criminal Justice, was received and read:

Meeting held on: Wednesday, November 12, 2003, at 10:30 a.m.

Present: Reps. Van Regenmorter, Stakoe, Howell, Gaffney, Nofs, Meisner, Condino and Hood

Absent: Rep. LaSata

Excused: Rep. LaSata

The Committee on Insurance, by Rep. Julian, Chair, reported

House Bill No. 4127, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2110b.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Hummel, Garfield, Robertson, Sheen, Woodward and Condino

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 12, 2003, at 10:30 a.m.

Present: Reps. Julian, Hune, Bisbee, Ehardt, Middaugh, Mortimer, Hummel, Garfield, Robertson, Sheen, Daniels, Woodward, Anderson, Wojno, Hood and Condino

Absent: Rep. Gillard

Excused: Rep. Gillard

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 12, 2003, at 10:30 a.m.

Present: Reps. Palmer, Meyer, Bradstreet, Hager, Ruth Johnson, Tabor, Voorhees, Vander Veen, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Hopgood, Meisner and Clack

Absent: Reps. Hummel, Hart and Smith

Excused: Reps. Hummel, Hart and Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, November 12, 2003, at 11:00 a.m.

Present: Reps. Shulman, Emmons, Caul, Pumford, Shackleton, Kooiman, Newell, Stewart, Acciavatti, Amos, Caswell, Farhat, Hoogendyk, Moolenaar, Pastor, Shaffer, Steil, Taub, Walker, Brandenburg, Mortimer, Brown, Kolb, Phillips, Plakas, Reeves, Williams, Cheeks, Hunter, Paletko, Sak, Zelenko and Murphy

Messages from the Governor

Date: November 7, 2003

Time: 4:38 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4386 (Public Act No. 193, I.E.), being

An act to make appropriations for certain capital outlay programs and state departments and agencies for the fiscal year ending September 30, 2004; to implement the appropriations within the budgetary process; to make appropriations for planning and construction at state agencies; to make appropriations for state building authority rent and insurance;

to make a grant for state building authority rent; to provide for the acquisition of land and buildings; to provide for the elimination of fire hazards; to provide for special maintenance, remodeling and addition, alteration, renovation, demolition, and other projects; to provide for elimination of occupational safety and health hazards; to provide for the award and implementation of contracts; to provide for the purchase of furnishings and equipment relative to occupancy of a project; to provide for the development of public recreation facilities; to provide for certain advances from the general fund; to prescribe powers and duties of certain state officers and agencies; to require certain reports, plans, and agreements; to provide for leases; to provide for transfers; to prescribe standards and conditions relating to the appropriations; to provide for the expenditure of appropriations; and to repeal acts and parts of acts.

(Filed with the Secretary of State November 10, 2003, at 9:56 a.m.)

Date: November 7, 2003

Time: 4:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4211 (Public Act No. 194, I.E.), being

An act 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 30 (MCL 211.30), as amended by 2000 PA 210.

(Filed with the Secretary of State November 10, 2003, at 9:58 a.m.)

Date: November 7, 2003

Time: 4:42 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4895 (Public Act No. 195, I.E.), being

An act to amend 2001 PA 142, entitled “An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions,” (MCL 250.1001 to 250.1100) by adding section 67.

(Filed with the Secretary of State November 10, 2003, at 10:00 a.m.)

Date: November 7, 2003

Time: 4:44 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 5106 (Public Act No. 196, 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 sections 2501, 2504, and 2505 (MCL 339.2501, 339.2504, and 339.2505), section 2501 as amended by 1994 PA 333, section 2504 as amended by 2002 PA 611, and section 2505 as amended by 1988 PA 463.

(Filed with the Secretary of State November 10, 2003, at 10:02 a.m.)

Date: November 7, 2003

Time: 4:46 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4070 (Public Act No. 197, I.E.), being

An act to require textbook publishers to provide electronic versions of certain instructional materials used in colleges and universities.

(Filed with the Secretary of State November 10, 2003, at 10:04 a.m.)

Date: November 7, 2003
Time: 4:48 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4311 (Public Act No. 198, I.E.), being

An act to provide insurance to farm produce producers against losses from the failure of grain dealers; to establish a farm produce insurance authority; to prescribe the powers and duties of the authority and its board; to establish a farm produce insurance fund; to provide for assessments on grain dealers; to prescribe certain powers and duties of certain state agencies and officers; to authorize the promulgation of rules; and to repeal acts and parts of acts.

(Filed with the Secretary of State November 10, 2003, at 10:06 a.m.)

The following message from the Governor was received November 12, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 21**

RECOGNIZING VETERANS DAY

WHEREAS, the United States of America were founded upon the principles of life, liberty, and the pursuit of happiness—values defended throughout our Nation’s history by the men and women of our Armed Forces;

WHEREAS, under Section 6103 of Title 5 of the United States Code and Section 1 of 1865 PA 1, November 11th is set aside as a legal public holiday in recognition of the contributions of our service men and women;

WHEREAS, on Veterans Day we recognize all those who have honorably worn the uniforms of our Armed Forces in service to this great nation;

WHEREAS, Veterans Day is particularly poignant this year as we honor not just those who have served in the past, but those servicemen and servicewomen putting their lives on the line in Iraq, Afghanistan, and other countries around the world;

WHEREAS, members of our armed forces voluntarily forego comfort and wealth to face hardships and deployments away from family and loved ones while defending the Nation’s security;

WHEREAS, while we honor the duty, honor, and selfless service of all veterans, we also remember those who have given the ultimate sacrifice by laying down their lives to defend the freedoms our Nation holds so dear;

WHEREAS, we particularly pause to remember and honor the 17 Michigan servicemen who gave their lives in service to our country in Iraq or Afghanistan during the last year;

WHEREAS, under Section 7 of Chapter 1 of Title 4 of the United States Code, in the event of the death of a present or former official of the government of any state, territory, or possession of the United States, the governor of that state, territory, or possession may proclaim that the flag of the United States of America be flown at half-staff;

WHEREAS, it is appropriate that the flag of the United States of America be flown at half-staff throughout the State of Michigan as a mark of respect for the memory and in honor of the service of all members of our Armed Forces killed in the line of duty;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963, the laws of the State of Michigan, and the laws of the United States of America, order and proclaim that on Tuesday, November 11, 2003, the flag of the United States of America shall be flown at half-staff throughout the State of Michigan, including at or on all state-owned or state-controlled buildings and military facilities.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 10th day of November, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

Notice of Filing
Administrative Rules

October 27, 2003

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 11:00 A.M. this date, administrative rule (03-10-05) for the Department of Corrections, entitled “*Community Status; Eligibility Criteria*”, effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communication was referred to the Clerk.

Introduction of Bills

Reps. Shulman, Hunter, Hummel, DeRossett, Amos, Newell, Steil, Emmons, Acciavatti, Vander Veen, Stahl, Kooiman, Hoogendyk, Brandenburg, Farhat and Taub introduced

House Bill No. 5289, entitled

A bill to require certain state departments, agencies, and public entities to follow certain requirements when operating grant programs; to gather and to report certain information to the legislative branch; to impose certain penalties; and to provide certain remedies.

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

Reps. Hopgood, Paletko, Law, Condino, Dennis, Tobocman, Vagnozzi, Minore and Byrum introduced

House Joint Resolution Q, 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.

Quorum Call

Rep. Richardville questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 631

Yeas—86

Accavitti	Farrah	Meyer	Sak
Acciavatti	Gaffney	Middaugh	Shackleton
Adamini	Gielegem	Minore	Shaffer
Amos	Gleason	Moolenaar	Sheltrown
Anderson	Hager	Mortimer	Shulman
Bieda	Hart	Murphy	Spade
Bisbee	Hood	Newell	Stahl
Bradstreet	Hopgood	Nitz	Stakoe
Brandenburg	Howell	Nofs	Stewart
Brown	Hummel	Paletko	Tabor
Byrum	Hune	Palmer	Taub
Caswell	Hunter	Palsrok	Tobocman
Caul	Jamnick	Pappageorge	Vagnozzi

Cheeks	Johnson, Rick	Pastor	Walker
Clack	Johnson, Ruth	Phillips	Ward
Condino	Julian	Pumford	Waters
Daniels	Kolb	Reeves	Wenke
DeRoche	LaJoy	Richardville	Williams
DeRossett	Law	Rivet	Wojno
Drolet	Lipsey	Robertson	Woodward
Ehardt	McConico	Rocca	Zelenko
Elkins	Meisner		

In The Chair: Julian

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

House Bill No. 4920, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 8 (MCL 28.725 and 28.728), as amended by 2002 PA 542, and by adding section 8c.

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

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

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

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

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Hardman be excused temporarily from today's session.

The motion prevailed.

Rep. Waters moved that Reps. Plakas and Stallworth be excused from the balance of today's session.

The motion prevailed.

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

House Bill No. 4920, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 8 (MCL 28.725 and 28.728), as amended by 2002 PA 542, and by adding section 8c.

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

Roll Call No. 632

Yeas—102

Accavitti	Farrah	McConico	Shackleton
Acciavatti	Gaffney	Meisner	Shaffer
Adamini	Garfield	Meyer	Sheen
Amos	Gielegem	Middaugh	Sheltrown
Anderson	Gleason	Milosch	Shulman

Bieda	Hager	Minore	Smith
Bisbee	Hart	Moolenaar	Spade
Bradstreet	Hood	Mortimer	Stahl
Brandenburg	Hoogendyk	Murphy	Stakoe
Brown	Hopgood	Newell	Steil
Byrum	Howell	Nitz	Stewart
Casperson	Huizenga	Nofs	Tabor
Caswell	Hummel	Paletko	Taub
Caul	Hune	Palmer	Tobocman
Cheeks	Hunter	Palsrok	Vagnozzi
Clack	Jamnick	Pappageorge	Van Regenmorter
Condino	Johnson, Rick	Pastor	Vander Veen
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Pumford	Walker
DeRoche	Koetje	Reeves	Ward
DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Williams
Ehardt	LaJoy	Robertson	Wojno
Elkins	LaSata	Rocca	Woodward
Emmons	Law	Sak	Zelenko
Farhat	Lipsey		

Nays—0

In The Chair: Julian

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

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

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending sections 2, 3, 4, 5, 5a, 8, and 9 (MCL 28.722, 28.723, 28.724, 28.725, 28.725a, 28.728, and 28.729), sections 2, 5, 5a, 8, and 9 as amended by 2002 PA 542 and sections 3 and 4 as amended by 1999 PA 85, and by adding sections 8c and 8d.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5240, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

The bill was read a second time.

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

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

Rep. Julian moved to amend the bill as follows:

1. Amend page 2, line 16, after “**section**” by striking out “**520c**” and inserting “**520b, 520c**”.

2. Amend page 2, line 17, after “**MCL**” by striking out “**750.520c**” and inserting “**750.520b, 750.520c**”.

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

Rep. Julian 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. 5240, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

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.

Second Reading of Bills

House Bill No. 5195, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

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

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

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

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 516, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 22a of chapter X (MCL 710.22a), as added by 1994 PA 430.

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

Roll Call No. 633

Yeas—101

Accavitti	Farrah	Lipsey	Shackleton
Acciavatti	Gaffney	McConico	Shaffer
Adamini	Garfield	Meisner	Sheen
Amos	Gielegem	Meyer	Sheltrown
Anderson	Gleason	Middaugh	Shulman
Bieda	Hager	Milosch	Spade
Bisbee	Hart	Minore	Stahl
Bradstreet	Hood	Moolenaar	Stakoe
Brandenburg	Hoogendyk	Mortimer	Steil
Brown	Hopgood	Murphy	Stewart
Byrum	Howell	Newell	Tabor
Casperson	Huizenga	Nitz	Taub
Caswell	Hummel	Nofs	Tobocman
Caul	Hune	Paletko	Vagnozzi
Cheeks	Hunter	Palmer	Van Regenmorter
Clack	Jamnack	Palsrok	Vander Veen
Condino	Johnson, Rick	Pappageorge	Voorhees
Daniels	Johnson, Ruth	Pastor	Walker
Dennis	Julian	Pumford	Ward
DeRoche	Koetje	Reeves	Waters

DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Williams
Ehardt	LaJoy	Robertson	Wojno
Elkins	LaSata	Rocca	Woodward
Emmons	Law	Sak	Zelenko
Farhat			

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 revise and consolidate the statutes relating to certain aspects of the family division of circuit court, to the jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers, to the change of name of adults and children, and to the adoption of adults and children; to prescribe certain jurisdiction, powers, and duties of the family division of circuit court and its judges and other officers; to prescribe the manner and time within which certain actions and proceedings may be brought in the family division of the circuit court; to prescribe pleading, evidence, practice, and procedure in certain actions and proceedings in the family division of circuit court; to provide for appeals from certain actions in the family division of circuit court; to prescribe the powers and duties of certain state departments, agencies, and officers; to provide for certain immunity from liability; and to provide remedies and penalties,”

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.

Rep. Richardville moved that **House Bill No. 5195** be placed on its immediate passage.

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

House Bill No. 5195, entitled

A bill to amend 1994 PA 295, entitled “Sex offenders registration act,” by amending section 8 (MCL 28.728), as amended by 2002 PA 542.

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

Roll Call No. 634**Yeas—85**

Accavitti	Farrah	Meyer	Shackleton
Acciavatti	Garfield	Middaugh	Shaffer
Adamini	Gielegem	Milosch	Sheen
Amos	Gleason	Moolenaar	Sheltrown
Anderson	Hager	Mortimer	Shulman
Bieda	Hart	Murphy	Spade
Bisbee	Hoogendyk	Newell	Stahl
Bradstreet	Hopgood	Nitz	Stakoe
Brandenburg	Howell	Nofs	Steil
Brown	Huizenga	Paletko	Stewart
Byrum	Hummel	Palmer	Tabor
Casperson	Hune	Palsrok	Taub
Caswell	Johnson, Rick	Pappageorge	Vagnozzi
Caul	Johnson, Ruth	Pastor	Van Regenmorter
Dennis	Julian	Pumford	Vander Veen
DeRoche	Koetje	Reeves	Voorhees
DeRossett	Kooiman	Richardville	Walker
Drolet	LaJoy	Rivet	Ward

Ehardt
Elkins
Emmons
Farhat

LaSata
Law
McConico

Robertson
Rocca
Sak

Wenke
Wojno
Woodward

Nays—17

Cheeks
Clack
Condino
Daniels
Hood

Hunter
Jamnick
Kolb
Lipsey

Meisner
Minore
Phillips
Smith

Tobocman
Waters
Williams
Zelenko

In The Chair: Julian

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I believe this bill represents an erosion of personal liberty and is an invasion of privacy that extends well beyond the period of time after which a criminal will have paid his/her debt for a crime.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5195 due to many of the problems associated with the sex offender registry in its current form. Currently, there are many individuals on the sex-offenders registry who do not pose a threat to society. The majority of these individuals include non-violent, non-predatory juvenile offenders who came into contact with the criminal justice system through non-violent sexual activity. These individuals are not sexual predators, yet did not have the opportunity to participate in the Holmes Youthful Training Act. Over time it is hoped through the enactment of bills like HB 4920 we will alleviate some of these problems, but until these injustices are corrected, individuals will be further subjected to humiliation by placing their photos on the registry.

Michigan has the third largest sex offender registry in the country, not due to an overwhelming presence of sexual predators, but due to our overly broad use of the registry. It is my hope that further modifications to the registry will provide the public with an honest and useful tool that gives the public realistic information on the threats in their neighborhood, including the differentiation between non-violent offenders and real threats to society such as pedophiles, predators and violent sexual offenders. This bill is heavy on rhetoric, but short on substance to make Michigan safe.”

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

“Mr. Speaker and members of the House:

I voted against this bill as the sex offender registry has had errors in the listing pretty much since its inception. While this Bill provides an 18 month period before being effective and pictures being added to the internet along with names and addresses. While I have no problems with the pictures being added, my concern continues to be with the accuracy of the data. I am not confident the accuracy will be accomplished prior to the addition of pictures.”

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

“Mr. Speaker and members of the House:

I voted no on House Bill 5195 (H-1) because I feel the use of photographs of registered sex offenders on the Internet does nothing more than add another layer to the already compounding issues surrounding the Sex Offender Registry

Act (SORA). Name and face recognition do not necessarily equate to increased safety in our communities. In fact, current requirements under the law sufficiently allow citizens to know, by zip code, address, and physical characteristics, who registered offenders are in their communities and where they are located. No statistics have been offered to show that the public would be any safer by placing photos of these offenders on the Internet. Public safety from dangerous sexual predators was the original intent of SORA. However, there are many unresolved issues with SORA, including the required registration for certain individuals and acts, such as juveniles engaging in theoretical, though not legally consensual acts, who are not sexual predators in the truest sense.”

Second Reading of Bills

House Bill No. 4898, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13501, 13505, 13506, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

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

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

Rep. Julian moved to amend the bill as follows:

1. Amend page 11, following line 9, by inserting:

“(b) **“Direct supervision” means that a physician, dentist, or veterinarian, or a comprehensive scope operator or limited scope operator as provided under section 13574(8), complies with all of the following:**

“(i) **Designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed.**

(ii) **Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.**

(iii) **Is physically present in the office suite or facility in which the radiation machine is located at the time the procedures are being performed.”** and relettering the remaining subdivisions.

2. Amend page 13, line 9, after **“devices”** by striking out the balance of the subdivision and inserting a period.

3. Amend page 14, line 2, by striking out all of subsection (4).

4. Amend page 15, line 13, after **“machines.”** by striking out the balance of the line through **“devices.”** on line 15.

5. Amend page 16, line 10, after **“machine”** by striking out **“or a non-ionizing radiation device”**.

6. Amend page 16, line 23, after **“machine”** by striking out **“or non-ionizing radiation device”**.

7. Amend page 16, line 25, after **“machine”** by striking out **“or non-ionizing radiation device”**.

8. Amend page 16, line 26, after **“machine”** by striking out the balance of the line through **“device”** on line 27.

9. Amend page 17, line 2, after **“machine”** by striking out **“or non-ionizing radiation device”**.

10. Amend page 29, line 25, after **“department”** by inserting **“or individuals who have successfully completed the Michigan dental association radiology training program”**.

11. Amend page 31, line 4, by striking out all of subdivision (b) and inserting:

“(b) X-ray examinations of the 5 regions of the spine as ordered by a physician.”

12. Amend page 35, line 13, after **“machine”** by striking out the balance of the section and inserting a period.

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

Rep. Julian 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. 4898, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 13501, 13505, 13506, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

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

Roll Call No. 635**Yeas—103**

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

Nays—0

In The Chair: Julian

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

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

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 13501, 13505, 13506, 13511, 13515, 13517, 13521, 13522, 13525, 13535, and 13536 (MCL 333.13501, 333.13505, 333.13506, 333.13511, 333.13515, 333.13517, 333.13521, 333.13522, 333.13525, 333.13535, and 333.13536), sections 13501 and 13522 as amended by 1994 PA 100 and section 13521 as amended by 1989 PA 56, and by adding part 135A; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

The House returned to the consideration of

House Bill No. 5240, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11, 13, and 14 of chapter II (MCL 762.11, 762.13, and 762.14), section 11 as amended by 1993 PA 293, section 13 as amended by 2002 PA 483, and section 14 as amended by 1994 PA 286.

(The bill was considered earlier today, see today's Journal p. 2143.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 636**Yeas—104**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

By unanimous consent the House considered **House Resolution No. 175** out of numerical order.

Reps. Huizenga, Sheen, Stahl, Steil, Kooiman, Vander Veen, Sak, Farhat, Accavitti, Bieda, Brandenburg, Caswell, Ehardt, Hoogendyk, Jamnick, Julian, Law, Lipsey, Meyer, Mortimer, Newell, Nitz, Pappageorge, Robertson, Shackleton, Shaffer, Shulman, Stallworth, Stewart, Taub, Voorhees, Dennis, Caul, Howell, Ruth Johnson, LaSata, Middaugh, Richardville, Gleason, Koetje and Phillips offered the following resolution:

House Resolution No. 175.

A resolution to urge the Department of Environmental Quality to work closely with the Environmental Protection Agency to articulate Michigan's vulnerability to transported pollution from other states as the rule to implement the 8-hour Ozone National Ambient Air Quality Standard is finalized.

Whereas, The effort to determine appropriate levels for the National Ambient Air Quality Standard is complicated significantly in Michigan by the impact of pollutants transported across the Great Lakes. The impact of the transported pollution is felt most acutely in the West Michigan region. This problem is so severe, that it has been reported that certain areas would fail to meet the new standards with very little pollution actually produced in West Michigan; and

Whereas, The EPA and the states have long been wrestling with the issue of ozone standards, specifically the 8-hour standard that was proposed in 1997. Litigation and concerns over the overall impact of sanctions have also been part of the process. Most recently, the EPA has announced a new comment period and put forth new possible approaches to air quality; and

Whereas, As the EPA continues to work on the proposed rule to implement the 8-hour Ozone National Ambient Air Quality Standard, it is imperative that Michigan's situation be articulated strongly and persistently. The Department of Environmental Quality has a responsibility to lead these efforts to ensure that our state, especially the western portions that are directly affected by pollution transported from Chicago and elsewhere, is not treated unfairly in the final decision making; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Environmental Quality to work closely with the Environmental Protection Agency to articulate Michigan's vulnerability to transported pollution from other states as the rule to implement the 8-hour Ozone National Ambient Air Quality Standard is finalized; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Environmental Quality and to the Environmental Protection Agency.

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.

By unanimous consent the House considered **House Resolution No. 176** out of numerical order.

Reps. Farhat, Brandenburg, Clack, Ehardt, Garfield, Hoogendyk, Huizenga, Julian, Kooiman, Meyer, Minore, Mortimer, Newell, Nitz, Palmer, Pappageorge, Sak, Shackleton, Shaffer, Sheltrown, Shulman, Stallworth, Stewart, Taub, Tobocman, Vagnozzi, Vander Veen, Voorhees, Zelenko, Dennis, Ruth Johnson, Plakas, Richardville, Stahl, Gleason, Murphy and Phillips offered the following resolution:

House Resolution No. 176.

A resolution to memorialize the Congress of the United States to enact legislation to establish a prescription drug benefit within Medicare.

Whereas, In recent years, the rising costs of prescription medications have created a growing burden for America's senior citizens. An increasing number of our people cannot afford the medications they need to live and function. This situation is harmful not only to a large segment of our population, but to our entire health care system; and

Whereas, Since prescription medications contribute significantly to public health by minimizing the need for far more costly services, including hospitalization, the current Medicare program is not nearly as effective as it could be in helping our senior citizens protect their health and well-being. The overall ramifications of this problem are amplified by the realization that the first waves of baby boomers are now reaching retirement age; and

Whereas, Although health care is a challenge that includes a wide range of factors, it is essential that a prescription drug benefit be established within Medicare. For those men and women currently grappling with the difficulties of paying for medicines they need, adding this benefit will provide immediate relief and help them maintain their health. For their families and our entire country, this is a program that needs to be put in place swiftly; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to establish a prescription drug benefit within Medicare; and be it further

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

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.

Second Reading of Bills

House Bill No. 5129, entitled

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 1301a, 1303a, 1304, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, 1374, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338,

600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, 600.1374, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Judiciary (for amendment, see House Journal No. 74, p. 1866),

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

Rep. Howell moved to amend the bill as follows:

1. Amend page 2, following line 23, by inserting:

“Sec. 1304a. (1) The jury board may use electronic and mechanical devices in carrying out its duties under this chapter.

(2) The jury board may use the historic method of preparing separate slips of paper for the second jury list and drawing slips from a jury board box to determine a panel or array of jurors.”.

2. Amend page 4, line 9, after the first “the” by striking out “journal” and inserting “record”.

3. Amend page 7, following line 24, by inserting:

“(3) If a qualifying questionnaire is returned with an indication by the United States postal service that the person to whom the questionnaire is addressed is deceased, the name of the person shall be removed from the first juror list and that name and circumstance may be forwarded to the local clerk.”.

4. Amend page 9, following line 15, by inserting:

“(3) If the name of a person who is deceased is selected for jury service, the name shall be removed from the second jury list and that fact may be forwarded to the local clerk.

(4) The trial judge, at his or her discretion, may grant a deferral of jury service to a person if the person claims that serving on the date he or she is called creates a hardship. If the trial judge grants a deferral, the judge shall determine a future date on which the person may serve without hardship, and shall direct the board to call the person on that date.”.

5. Amend page 21, line 3, by striking out all of section 1374.

6. Amend page 23, following line 13, by inserting:

“Enacting section 1. Section 1374 of 1961 PA 236, MCL 600.1374, is repealed.” and renumbering the remaining enacting section.

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

Rep. Howell 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. 5129, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1301a, 1303a, 1304, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, 1374, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, 600.1374, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739.

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

Roll Call No. 637

Yeas—100

Accavitti	Gaffney	McConico	Shaffer
Acciavatti	Garfield	Meisner	Sheen
Adamini	Gielegghem	Meyer	Sheltrown
Amos	Gleason	Middaugh	Shulman
Anderson	Hager	Milosch	Smith
Bieda	Hardman	Minore	Spade
Bisbee	Hart	Moolenaar	Stahl
Bradstreet	Hood	Mortimer	Stakoe

Brandenburg	Hoogendyk	Murphy	Steil
Byrum	Hopgood	Newell	Stewart
Casperson	Howell	Nitz	Tabor
Caswell	Huizenga	Nofs	Taub
Caul	Hummel	Paletko	Tobocman
Cheeks	Hune	Palmer	Vagnozzi
Clack	Hunter	Palsrok	Van Regenmorter
Condino	Jamnack	Pappageorge	Vander Veen
Dennis	Johnson, Rick	Pastor	Voorhees
DeRoche	Johnson, Ruth	Phillips	Walker
DeRossett	Julian	Pumford	Ward
Drolet	Koetje	Richardville	Waters
Ehardt	Kolb	Rivet	Wenke
Elkins	Kooiman	Robertson	Williams
Emmons	LaJoy	Rocca	Wojno
Farhat	LaSata	Sak	Woodward
Farrah	Lipsey	Shackleton	Zelenko

Nays—0

In The Chair: Julian

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

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

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by 2002 PA 739; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 4039, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

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

Rep. Rocca 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. 4039, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 50 (MCL 169.250), as added by 1994 PA 385.

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

Roll Call No. 638**Yeas—102**

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

Reps. Stewart, Gielegem, Woodward, Shulman, Zelenko, Kolb, DeRossett, Richardville, Murphy, Voorhees, Hager, Ehardt, Meyer, Newell, Vander Veen, Dennis, Howell, Ruth Johnson, Shackleton, Gaffney, Paletko, Pastor, LaJoy, Law, Brandenburg, Bieda, Meisner, Wojno, Acciavatti, Condino, Vagnozzi, DeRoche, Taub, Amos, Stakoe, Hune, Gleason, Robertson, Milosch, Shaffer, Hoogendyk, Nofs, Wenke, Ward, Emmons, Stahl, Sheen, Farhat, Moolenaar, Palsrok and Casperson were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 4439, entitled**

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 408 and 717 (MCL 484.1408 and 484.1717), section 408 as added by 1999 PA 78 and section 717 as added by 1999 PA 79; and to repeal acts and parts of acts.

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

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

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

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

Rep. Bradstreet 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. 4439, entitled

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 408 and 717 (MCL 484.1408 and 484.1717), section 408 as added by 1999 PA 78 and section 717 as added by 1999 PA 79; and to repeal acts and parts of acts.

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

Roll Call No. 639

Yeas—102

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

Nays—2

DeRoche

Drolet

In The Chair: Julian

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

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

A bill to amend 1986 PA 32, entitled "Emergency telephone service enabling act," by amending sections 408, 411, 602, and 711 (MCL 484.1408, 484.1411, 484.1602, and 484.1711), sections 408 and 411 as added by 1999 PA 78, section 602 as amended by 1999 PA 80, and section 711 as added by 1999 PA 79; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 5172, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 2002 PA 550.

The bill was read a second time.

Rep. Stakoe 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. 5172, entitled

A bill to amend 1968 PA 251, entitled "Cemetery regulation act," by amending section 9 (MCL 456.529), as amended by 2002 PA 550.

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

Roll Call No. 640

Yeas—104

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

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

House Bill No. 5145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12753 (MCL 333.12753).

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

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

Rep. Drolet 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. 5145, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12753 (MCL 333.12753).

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

Roll Call No. 641

Yeas—58

Acciavatti	Hoogendyk	Newell	Sheltrown
Amos	Howell	Nitz	Shulman
Bisbee	Huizenga	Nofs	Spade
Bradstreet	Hummel	Palmer	Stahl
Brandenburg	Hune	Palsrok	Stakoe
Casperson	Johnson, Rick	Pappageorge	Steil
Caswell	Johnson, Ruth	Pastor	Tabor
Caul	Julian	Richardville	Taub
DeRoche	Koetje	Rivet	Van Regenmorter
Drolet	Kooiman	Robertson	Vander Veen
Ehardt	LaJoy	Rocca	Voorhees
Emmons	Meyer	Shackleton	Walker
Farhat	Milosch	Shaffer	Ward
Garfield	Moolenaar	Sheen	Wenke
Hager	Mortimer		

Nays—46

Accavitti	Elkins	LaSata	Reeves
Adamini	Farrah	Law	Sak
Anderson	Gaffney	Lipsey	Smith
Bieda	Gielegem	McConico	Stewart
Brown	Gleason	Meisner	Tobocman
Byrum	Hardman	Middaugh	Vagnozzi
Cheeks	Hart	Minore	Waters
Clack	Hood	Murphy	Williams
Condino	Hopgood	Paletko	Wojno
Daniels	Hunter	Phillips	Woodward
Dennis	Jamnack	Pumford	Zelenko
DeRossett	Kolb		

In The Chair: Julian

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

Second Reading of Bills

House Bill No. 5214, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

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

Rep. Drolet 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. 5214, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 482 (MCL 168.482), as amended by 1998 PA 142.

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

Roll Call No. 642

Yeas—100

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

Nays—3

Hardman

McConico

Vagnozzi

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 687, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

The bill was read a second time.

Reps. Elkins and Rivet moved to amend the bill as follows:

1. Amend page 4, line 19, by striking out all of section 10 and inserting:

“(5) Within 10 days after being sworn in, the county executive shall appoint a chief deputy. The county executive may also appoint additional deputies whom he or she considers necessary to perform the functions and duties of the office of elected county executive.

(6) The county executive shall file a statement with the county clerk identifying the individual appointed as chief deputy and all other individuals appointed as a deputy or assistant deputy. The statement shall also identify the ranking order of the deputies.

(7) If the county executive is absent or unable to perform the duties of his or her office, the chief deputy shall perform the duties of the county executive until such time that the elected county executive can resume the duties of his or her office.

(8) The county executive may revoke his or her appointments at any time.

(9) This section shall apply only to a county that has adopted an optional unified form of county government under 1973 PA 139, MCL 45.551 to 45.573.”.

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

Reps. Elkins and Rivet moved to amend the bill as follows:

1. Amend page 4, line 19, by striking out all of section 10 and inserting:

“(5) Within 10 days after being sworn in, the county executive shall appoint a chief deputy. The county executive may also appoint additional deputies whom he or she considers necessary to perform the functions and duties of the office of elected county executive.

(6) The county executive shall file a statement with the county clerk identifying the individual appointed as chief deputy and all other individuals appointed as a deputy or assistant deputy. The statement shall also identify the ranking order of the deputies.

(7) If the county executive is absent or unable to perform the duties of his or her office, the chief deputy shall perform the duties of the county executive until such time that the elected county executive can resume the duties of his or her office.

(8) The county executive may revoke his or her appointments at any time.

(9) This section shall apply only to a county with a population of more than 1,000,000 and has adopted an optional unified form of county government under this act.”.

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

Rep. Elkins moved to reconsider the vote by which the House adopted the amendment offered previously by Reps. Elkins and Rivet.

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

The question being on the adoption of the amendment offered previously by Reps. Elkins and Rivet, Rep. Elkins withdrew the amendment.

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. 687, entitled

A bill to amend 1973 PA 139, entitled “An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,” by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

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

Roll Call No. 643

Yeas—101

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

Nays—2

Hardman

Woodward

In The Chair: Julian

The question being on agreeing to the title of the bill,
Rep. Richardville moved to amend the title to read as follows:

A bill to amend 1973 PA 139, entitled "An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies," by amending section 9 (MCL 45.559), section 9 as amended by 1980 PA 100, and by adding section 9a.

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

Second Reading of Bills

The House returned to the consideration of
Senate Bill No. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

(The bill was considered earlier today, see today's Journal, p. 2127.)

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 4, line 7, after "whose" by striking out "deposits" and inserting "accounts".
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Woodward moved to amend the bill as follows:

1. Amend page 19, line 25, after "exceed" by striking out the balance of the subsection and inserting "100% APR."
The question being on the adoption of the amendment offered by Rep. Woodward,
Rep. Woodward demanded the yeas and nays.
The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,
The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 644

Yeas—38

Accavitti	Dennis	Kolb	Sak
Acciavatti	Elkins	Law	Sheltrown
Adamini	Farrah	Lipsey	Spade
Bieda	Gielegghem	Meisner	Tobocman
Brown	Gleason	Minore	Vagnozzi
Byrum	Hardman	Murphy	Waters
Cheeks	Hood	Phillips	Williams
Clack	Hopgood	Reeves	Woodward
Condino	Hunter	Rocca	Zelenko
Daniels	Jamnick		

Nays—55

Amos	Garfield	Meyer	Robertson
Anderson	Hager	Middaugh	Shackleton
Bisbee	Hart	Milosch	Shaffer
Bradstreet	Hoogendyk	Moolenaar	Sheen
Brandenburg	Howell	Mortimer	Shulman

Casperson	Hummel	Newell	Stakoe
Caul	Hune	Nofs	Steil
DeRoche	Johnson, Rick	Paletko	Stewart
DeRossett	Johnson, Ruth	Palmer	Taub
Drolet	Julian	Palsrok	Vander Veen
Ehardt	Koetje	Pappageorge	Walker
Emmons	Kooiman	Pastor	Ward
Farhat	LaJoy	Pumford	Wojno
Gaffney	LaSata	Richardville	

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 19, line 25, after “exceed” by striking out the balance of the subsection and inserting “200% APR.”.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

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

Roll Call No. 645

Yeas—37

Accavitti	Dennis	Kolb	Rocca
Adamini	Elkins	Law	Sak
Anderson	Farrah	Lipsey	Sheltrown
Bieda	Gielegem	McConico	Smith
Brown	Gleason	Meisner	Tobocman
Byrum	Hardman	Minore	Vagnozzi
Cheeks	Hood	Murphy	Williams
Clack	Hunter	Phillips	Woodward
Condino	Jamnick	Reeves	Zelenko
Daniels			

Nays—60

Acciavatti	Hager	Middaugh	Shaffer
Amos	Hart	Milosch	Sheen
Bisbee	Hoogendyk	Moolenaar	Shulman
Bradstreet	Howell	Newell	Spade
Brandenburg	Huizenga	Nitz	Stahl
Casperson	Hummel	Nofs	Stakoe
Caswell	Hune	Paletko	Steil
Caul	Johnson, Rick	Palmer	Stewart
DeRoche	Johnson, Ruth	Palsrok	Tabor
DeRossett	Julian	Pappageorge	Taub
Drolet	Koetje	Pastor	Van Regenmorter
Emmons	Kooiman	Pumford	Walker
Farhat	LaJoy	Richardville	Ward
Gaffney	LaSata	Robertson	Wenke
Garfield	Meyer	Shackleton	Wojno

In The Chair: Julian

Rep. Woodward moved to amend the bill as follows:

1. Amend page 18, following line 3, by inserting:

“(g) A calculation of the cost of the service fee to the customer, expressed as a percentage rate per year.” and relettering the remaining subdivisions.

The question being on the adoption of the amendment offered by Rep. Woodward,

Rep. Woodward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Woodward,

The amendment was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 646

Yeas—97

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

Nays—6

Drolet	Newell	Stahl	Ward
Hune	Palmer		

In The Chair: Julian

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. 474, entitled

A bill to regulate the business of deferred presentment services; to require the licensing of providers of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

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

Roll Call No. 647**Yeas—57**

Acciavatti	Garfield	Middaugh	Shackleton
Adamini	Hager	Milosch	Shaffer
Amos	Howell	Moolenaar	Shulman
Bisbee	Huizenga	Mortimer	Stahl
Bradstreet	Hummel	Newell	Stakoe
Brandenburg	Hune	Nitz	Stewart
Brown	Hunter	Nofs	Tabor
Casperson	Johnson, Rick	Palsrok	Taub
Caswell	Johnson, Ruth	Pappageorge	Van Regenmorter
Caul	Julian	Pastor	Vander Veen
DeRoche	Koetje	Pumford	Voorhees
Ehardt	Kooiman	Richardville	Walker
Emmons	LaJoy	Rivet	Ward
Farhat	Meyer	Robertson	Wenke
Gaffney			

Nays—45

Accavitti	Farrah	Law	Sheltrown
Anderson	Gielegem	Meisner	Smith
Bieda	Gleason	Minore	Spade
Byrum	Hardman	Murphy	Steil
Cheeks	Hart	Paletko	Tobocman
Clack	Hood	Palmer	Vagnozzi
Condino	Hoogendyk	Phillips	Waters
Daniels	Hopgood	Reeves	Williams
Dennis	Jamnick	Rocca	Wojno
DeRossett	Kolb	Sak	Woodward
Drolet	LaSata	Sheen	Zelenko
Elkins			

In The Chair: Julian

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

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

A bill to regulate the business of providing deferred presentment service transactions; to require the licensing of providers of deferred presentment service transactions; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Accavitti, Bieda, Zelenko, Law and Dennis, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 474 (H-6) because I disagreed with the fee that licensees may charge customers under the bill. The bill, as passed, allows licensees to charge customers a service fee that does not exceed 14% of the face amount of the check or checks given by the customer to the licensee for the deferred presentment service transaction. According to some consumer advocacy groups, fees and annual percentage rates of some of these transactions have

climbed as high as 2000%. It is my belief that any fee in excess of 10% is downright gouging in the purest sense. The deferred presentment service industry has failed to show that it cannot make a profit or remain solvent at a rate of 10%. Evidence has been offered to show that in the state of Florida, where there is a 10% fee cap, these businesses have not only remained solvent, but have also experienced 11% in growth. The House also recently passed Senate Bill 496 modernizing the regulations regarding credit unions. That bill, once enacted, will allow credit unions to opportunity to perform the same type of transactions with a 10% fee limit. Because amendments offered to reduce the service fee to between 10% and 12% failed to pass, I voted no on Senate Bill 474 (H-6)."

Second Reading of Bills

House Bill No. 4887, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

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. Gaffney moved to amend the bill as follows:

1. Amend page 1, line 1, after "Sec. 2." by inserting "(1)".
2. Amend page 2, following line 8, by inserting:

"(2) For 2 years beginning on the effective date of the amendatory act that added subsection (1)(c), the secretary of state shall place a notice in each mailing sent to an individual whose operator's license is eligible for renewal containing a summary of the change of law occasioned by the enactment of the amendatory act that added subsection (1)(c)."

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

Rep. Pastor 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. 4887, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Gaffney moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.

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

Second Reading of Bills

House Bill No. 4887, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

Rep. Gaffney moved to reconsider the vote by which the House did not adopt the amendments offered previously by Rep. Gaffney.

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

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

Rep. Gaffney demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 648**Yeas—52**

Accavitti	Gielegem	Middaugh	Sheltrown
Adamini	Gleason	Murphy	Shulman
Anderson	Hardman	Nofs	Smith
Bieda	Hart	Paletko	Spade
Brown	Hood	Palmer	Stakoe
Cheeks	Hopgood	Palsrok	Stewart
Condino	Hune	Pappageorge	Tobocman
Daniels	Hunter	Phillips	Vagnozzi
Dennis	Johnson, Ruth	Pumford	Walker
Drolet	Law	Robertson	Waters
Elkins	Lipsey	Rocca	Williams
Farrah	McConico	Sak	Wojno
Gaffney	Meisner	Shaffer	Zelenko

Nays—41

Acciavatti	Farhat	LaJoy	Shackleton
Bisbee	Garfield	LaSata	Sheen
Bradstreet	Hoogendyk	Meyer	Steil
Brandenburg	Huizenga	Milosch	Tabor
Casperson	Hummel	Minore	Taub
Caswell	Jamnick	Moolenaar	Van Regenmorter
Caul	Johnson, Rick	Newell	Vander Veen
Clack	Julian	Nitz	Voorhees
DeRoche	Koetje	Pastor	Ward
DeRossett	Kooiman	Richardville	Wenke
Emmons			

In The Chair: Julian

Rep. Pastor 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. 4887, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 2 (MCL 257.2), as amended by 1997 PA 8.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 649**Yeas—101**

Accavitti	Gaffney	Meisner	Shaffer
Acciavatti	Garfield	Meyer	Sheen
Adamini	Gielegem	Middaugh	Sheltrown

Amos	Gleason	Milosch	Shulman
Anderson	Hager	Minore	Smith
Bieda	Hardman	Moolenaar	Spade
Bradstreet	Hart	Mortimer	Stahl
Brandenburg	Hood	Murphy	Stakoe
Brown	Hoogendyk	Newell	Steil
Byrum	Hopgood	Nitz	Stewart
Casperson	Howell	Nofs	Tabor
Caswell	Huizenga	Paletko	Taub
Caul	Hummel	Palmer	Tobocman
Cheeks	Hune	Palsrok	Vagnozzi
Clack	Hunter	Pappageorge	Van Regenmorter
Condino	Jamnack	Pastor	Vander Veen
Daniels	Johnson, Rick	Phillips	Voorhees
Dennis	Johnson, Ruth	Pumford	Walker
DeRoche	Julian	Reeves	Ward
DeRossett	Kolb	Richardville	Waters
Drolet	Kooiman	Rivet	Wenke
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Lipsey	Sak	Woodward
Farhat	McConico	Shackleton	Zelenko
Farrah			

Nays—2

Bisbee

Koetje

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Rep. Richardville moved that when the House adjourns today it stand adjourned until Thursday, November 13, at 12:05 a.m.

The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Paletko, Accavitti, Adamini, Anderson, Bieda, Clack, Ehardt, Farhat, Garfield, Gielegem, Hopgood, Huizenga, Jamnick, Law, Lipsey, McConico, Minore, Mortimer, O'Neil, Pappageorge, Sak, Shulman, Spade, Stallworth, Stewart, Tobocman, Vagnozzi, Vander Veen, Waters, Woronchak, Zelenko, Dennis, Brown, Byrum, Plakas, Gleason, Murphy and Phillips offered the following resolution:

House Resolution No. 174.

A resolution honoring Michigan's Muslim sisters and brothers during the holy month of Ramadan.

Whereas, We have entered the Muslim holy month of Ramadan, the 9th month of the Muslim calendar; and

Whereas, The celebration of Ramadan is one of the five pillars of Islam; and

Whereas, During this month in which God sent the holy book, the Qu'ran, down from heaven, Muslims around the world unite in celebration and revelation, beginning with the observation of the moon after a new moon. This holy month is marked with worship, spiritual faith through prayer, intensive study of the Qu'ran, and celebration of God, family, and community; and

Whereas, The word Ramadan comes from the Arabic words for “sun-baked ground” and “parched thirst,” which signify the Earth, scorched from the heat of the sun. For Muslims, this period of fasting during daylight hours, and by offering words of prayer throughout these most holy days, is a time of self-purification. The hunger and thirst from fasting offer followers full concentration on God and the tenets of the Muslim faith, just as the Earth embraces the heat of the sun; and

Whereas, There is much that we can learn and understand from our Muslim sisters and brothers. Most importantly we may know that Islam is a religion of peace, family, and community. As Muslim families celebrate Ramadan, let us all remember the strength and discipline that faith offers each of our lives and the lives of others; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor our Muslim sisters and brothers during the holy month of Ramadan.

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.

Reports of Standing Committees

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

House Bill No. 4104, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 60 of chapter X (MCL 710.60), as amended by 1996 PA 409.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 3, line 2, after “unless” by striking out “Senate Bill No. _____ or House Bill No. 4105 (request no. 00768’03)” and inserting “House Bill No. 5039”.

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

Favorable Roll Call

To Report Out:

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

Nays: None

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

House Bill No. 5039, entitled

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

With the recommendation that the substitute (H-4) 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.

Favorable Roll Call

To Report Out:

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

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: Wednesday, November 12, 2003, at 9:00 a.m.

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

Announcements by the Clerk

November 3, 2003

Received from Northern Michigan University the financial report for the fiscal year ending June 30, 2003 which is available on their website: <http://www.nmu.edu/finance/>.

Gary L. Randall
Clerk of the House

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

House Bill No. 4011, entitled

A bill to repeal 1927 LA 9, entitled "An act to prohibit hunting on Sunday in the county of Washtenaw and to prescribe penalties for the violation thereof."

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

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

House Bill No. 5188, entitled

A bill to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending section 10a (MCL 460.10a), as added by 2000 PA 141.

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

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

Senate Bill No. 637, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 703 (MCL 436.1703), as amended by 1999 PA 53.

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. 820, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37d (MCL 208.37d), as amended by 1999 PA 100.

The Senate has passed the bill.

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

Senate Bill No. 821, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 37c (MCL 208.37c), as amended by 2000 PA 429.

The Senate has passed the bill.

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

Senate Bill No. 822, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2002 PA 726.

The Senate has passed the bill.

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

Senate Bill No. 824, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending sections 3, 4, 5, 6, 8, and 10 (MCL 207.803, 207.804, 207.805, 207.806, 207.808, and 207.810), section 3 as amended by 2000 PA 428 and sections 6 and 8 as amended by 2000 PA 144, and by adding section 8a.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 37.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, November 13, 2003, it stands adjourned until Tuesday, December 2, 2003 at 10:00 a.m.; and be it further

Resolved, That when the House of Representatives adjourns on Wednesday, November 12, 2003, it stands adjourned until Tuesday, December 2, 2003, at 1:00 p.m.

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Committee on Government Operations.

Senate Concurrent Resolution No. 38.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Thursday, November 13, 2003, it stands adjourned until Tuesday, December 2, 2003 at 10:00 a.m. for the Senate and 1:00 p.m. for the House of Representatives.

The Senate has adopted the concurrent resolution.

Pending the reference of the concurrent resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the concurrent 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 concurrent resolution,

The concurrent resolution was adopted.

Rep. Shulman moved that the House adjourn.

The motion prevailed, the time being 11:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, November 13, at 12:05 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

