

No. 8
STATE OF MICHIGAN
JOURNAL
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2006

House Chamber, Lansing, Tuesday, January 31, 2006.

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

e/d/s = entered during session

Rep. Rich Brown, from the 110th District, offered the following invocation:

“Dear God,

Thank You for this day.

Thank You for our families and friends. Watch over them and keep them safe.

Thank You for the citizens of this state who have entrusted each of us with the responsibility of doing what is right and just.

Thank You for the men and women of our armed services, our emergency medical providers and law enforcement officers. Be with them as they serve our communities, our great country and the world.

And, thank You for allowing each of us to serve the state of Michigan.

Guide us so we may serve with integrity, compassion and understanding.

We ask this in Your name, Amen.”

Rep. Sak moved that Reps. Cushingberry, Plakas and Zelenko be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5560, entitled

A bill to amend 1986 PA 196, entitled “Public transportation authority act,” by amending section 18 (MCL 124.468).

The bill was read a second time.

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

The motion prevailed.

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

The motion did not prevail, a majority of the members present not voting therefor.

House Bill No. 5154, entitled

A bill to amend 1987 PA 248, entitled “Airport parking tax act,” by amending section 7a (MCL 207.377a), as added by 2002 PA 680.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 621, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; 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-2) previously recommended by the Committee on Senior Health, Security, and Retirement,

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

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

1. Amend page 3, line 3, by striking out “**SUBSECTION (1)(B)**” and inserting “**SUBDIVISION (B)**”.
2. Amend page 7, line 27, by striking out “**SUBSECTION (4)**” and inserting “**THIS SECTION**”.
3. Amend page 9, line 23, after “**ON**” by inserting “**THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OR**”.
4. Amend page 9, line 26, after “**ON**” by inserting “**THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OR**”.
5. Amend page 10, line 16, after “**UNDER**” by striking out “**SUBSECTION (4)**” and inserting “**THIS SECTION**”.
6. Amend page 10, line 20, after “**UNDER**” by striking out “**SUBSECTION (4)**” and inserting “**THIS SECTION**”.

7. Amend page 10, line 26, after “EACH” by striking out “SUBSECTION” and inserting “SUBDIVISION”.
8. Amend page 11, line 6, after “UNDER” by striking out “SUBSECTION (4)” and inserting “THIS SECTION”.
9. Amend page 11, line 11, after “INCORRECT.” by striking out the balance of the subparagraph.
10. Amend page 11, line 18, after “(6)” by striking out the balance of the line through “THE” on line 19 and inserting “THE”.
11. Amend page 12, line 25, after “AGENCY” by inserting a comma and “PSYCHIATRIC FACILITY OR INTERMEDIATE CARE FACILITY FOR PEOPLE WITH MENTAL RETARDATION,”.
12. Amend page 13, line 1, after “AGENCY” by striking out “OR ADULT FOSTER CARE FACILITY”.
13. Amend page 13, line 4, after “AGENCY” by inserting a comma and “PSYCHIATRIC FACILITY OR INTERMEDIATE CARE FACILITY FOR PEOPLE WITH MENTAL RETARDATION,”.
14. Amend page 13, line 20, after “(1)(I).” by inserting “REPORTING OF AN ARRAIGNMENT UNDER THIS SUBDIVISION IS NOT CAUSE FOR TERMINATION OR DENIAL OF EMPLOYMENT.”.
15. Amend page 16, line 24, after “AGENCY” by inserting “OR BY A PSYCHIATRIC FACILITY OR INTERMEDIATE CARE FACILITY FOR PEOPLE WITH MENTAL RETARDATION”.
16. Amend page 16, line 25, after “20173A” by inserting “OR PURSUANT TO SECTION 134A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1134A, RESPECTIVELY,”.
17. Amend page 18, line 3, after “effective” by striking out the balance of the subsection and inserting “April 1, 2006.”.
18. Amend page 18, line 8, after “effect” by striking out the balance of the subsection and inserting “April 1, 2006, since the department has secured the necessary federal approval to utilize federal funds to reimburse those facilities for the costs incurred for requesting a national criminal history check to be conducted by the federal bureau of investigation and the department has filed written notice of that approval with the secretary of state. The department shall issue a medicaid policy bulletin regarding the payment and reimbursement for the criminal history checks by April 1, 2006.”.

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

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

The motion prevailed.

Senate Bill No. 622, entitled

A bill to amend 1979 PA 218, entitled “Adult foster care facility licensing act,” (MCL 400.701 to 400.737) by adding sections 34b and 34c; 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-2) previously recommended by the Committee on Senior Health, Security, and Retirement,

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

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

1. Amend page 2, line 9, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
2. Amend page 3 line 1, by striking out “SUBSECTION (1)(B)” and inserting “SUBDIVISION (B)”.
3. Amend page 3, line 4, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
4. Amend page 3, line 11, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
5. Amend page 4, line 2, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
6. Amend page 4, line 21, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
7. Amend page 5, line 9, after “EMPLOYMENT” by striking out “OR CLINICAL PRIVILEGES”.
8. Amend page 6, line 15, after “EMPLOYED” by striking out the balance of the line through “PRIVILEGES” on line 16 and inserting “OR UNDER CONTRACT”.
9. Amend page 7, line 18, by striking out all of line 18 through “108-173,” on line 19 and inserting “ESTABLISHED PURSUANT TO FEDERAL AND STATE LAW AND REGULATIONS”.
10. Amend page 9, line 9, after “ON” by inserting “THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OBTAINED UNDER SUBSECTION (4) OR”.
11. Amend page 9, line 12, after “ON” by inserting “THE WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK OBTAINED UNDER SUBSECTION (4) OR”.
12. Amend page 10, line 15, after “INCORRECT.” by striking out the balance of the subparagraph.
13. Amend page 10, line 20, after “TO” by striking out “(iii)” and inserting “(iv)”.
14. Amend page 10, line 23, after “SHALL” by striking out “MAKE” and inserting “DEVELOP AND DISTRIBUTE”.
15. Amend page 10, line 23, after the third “THE” by striking out “WRITTEN”.
16. Amend page 10, line 24, after “SUBSECTION (6)(B)” by inserting a period and “THE DEPARTMENT SHALL MAKE THE MODEL FORM”.

17. Amend page 11, line 21, after “**SUBSECTION (4)**” by inserting “**OR (5)**”.

18. Amend page 11, line 25, after the first “**FACILITY**” by inserting a comma and “**PSYCHIATRIC FACILITY OR INTERMEDIATE CARE FACILITY FOR PEOPLE WITH MENTAL RETARDATION,**”.

19. Amend page 12, line 3, after “**FACILITY**” by inserting a comma and “**PSYCHIATRIC FACILITY OR INTERMEDIATE CARE FACILITY FOR PEOPLE WITH MENTAL RETARDATION,**”.

20. Amend page 12, line 18, after “**(1)(I).**” by inserting “**REPORTING OF AN ARRAIGNMENT UNDER THIS SUBDIVISION IS NOT CAUSE FOR TERMINATION OR DENIAL OF EMPLOYMENT.**”.

21. Amend page 13, line 23, by striking out “**PATIENTS**” and inserting “**RESIDENTS**”.

22. Amend page 15, line 25, after the first “**DEPARTMENT**” by striking out “**ON A FORM PROVIDED BY THE DEPARTMENT**”.

23. Amend page 17, line 4, after “effective” by striking out the balance of enacting section 1 and inserting “April 1, 2006.”.

24. Amend page 17, line 9, after “effect” by striking out the balance of enacting section 2 and inserting “April 1, 2006, since the department has secured the necessary federal approval to utilize federal funds to reimburse those facilities for the costs incurred for requesting a national criminal history check to be conducted by the federal bureau of investigation and the department has filed written notice of that approval with the secretary of state. The department shall issue a medicaid policy bulletin regarding the payment and reimbursement for the criminal history checks by April 1, 2006.”.

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

Rep. Ward 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. 788, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 685, 686, 688, and 695 (MCL 257.685, 257.686, 257.688, and 257.695), sections 686 and 688 as amended by 1990 PA 98 and section 695 as amended by 1995 PA 221, and by adding section 684a.

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

Roll Call No. 27

Yeas—105

Accavitti	Emmons	Law, Kathleen	Robertson
Acciavatti	Espinoza	Leland	Rocca
Adamini	Farhat	Lemmons, III	Sak
Amos	Farrah	Lemmons, Jr.	Schuitmaker
Anderson	Gaffney	Lipsey	Shaffer
Angerer	Garfield	Marleau	Sheen
Ball	Gillard	Mayes	Sheltrown
Baxter	Gleason	McConico	Smith, Alma
Bennett	Gonzales	McDowell	Smith, Virgil
Bieda	Gosselin	Meisner	Spade
Booher	Green	Meyer	Stahl
Brandenburg	Hansen	Miller	Stakoe
Brown	Hildenbrand	Moolenaar	Steil
Byrnes	Hood	Moore	Stewart
Byrum	Hoogendyk	Mortimer	Taub
Casperson	Hopgood	Murphy	Tobocman
Caswell	Huizenga	Newell	Vagnozzi
Caul	Hummel	Nitz	Van Regenmorter
Cheeks	Hune	Nofs	Vander Veen
Clack	Hunter	Palmer	Walker
Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
DeRoche	Kolb	Pavlov	Wenke

Dillon
Donigan
Drolet
Elsenheimer

Kooiman
LaJoy
Law, David

Pearce
Polidori
Proos

Whitmer
Williams
Wojno

Nays—0

In The Chair: Kooiman

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

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,”

The House agreed to the full title.

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

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

Senate Bill No. 736, entitled

A bill to amend 1846 RS 171, entitled “Of county jails and the regulation thereof,” by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

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

Roll Call No. 28

Yeas—105

Accavitti
Acciavatti
Adamini
Amos
Anderson
Angerer
Ball
Baxter
Bennett
Bieda
Booher
Brandenburg
Brown
Byrnes
Byrum
Casperson
Caswell
Caul
Cheeks
Clack

Emmons
Espinoza
Farhat
Farrah
Gaffney
Garfield
Gillard
Gleason
Gonzales
Gosselin
Green
Hansen
Hildenbrand
Hood
Hoogendyk
Hopgood
Huizenga
Hummel
Hune
Hunter

Law, Kathleen
Leland
Lemmons, III
Lemmons, Jr.
Lipse
Marleau
Mayes
McConico
McDowell
Meisner
Meyer
Miller
Moolenaar
Moore
Mortimer
Murphy
Newell
Nitz
Nofs
Palmer

Robertson
Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Stahl
Stakoe
Steil
Stewart
Taub
Tobocman
Vagnozzi
Van Regenmorter
Vander Veen
Walker

Clemente	Jones	Palsrok	Ward
Condino	Kahn	Pastor	Waters
DeRoche	Kolb	Pavlov	Wenke
Dillon	Kooiman	Pearce	Whitmer
Donigan	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer			

Nays—0

In The Chair: Kooiman

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

—

Rep. Ward moved that Rep. Stahl be excused temporarily from today's session.
The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 514 (MCL 280.514).
(The bill was received from the Senate on January 24, with amendments, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until January 25, see House Journal No. 5, p. 45.)

The question being on concurring in the amendments made to the bill by the Senate,
The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 29

Yeas—71

Accavitti	Donigan	Kahn	Pastor
Acciavatti	Drolet	Kolb	Pavlov
Adamini	Elsenheimer	Kooiman	Polidori
Amos	Emmons	LaJoy	Robertson
Anderson	Farhat	Law, David	Rocca
Ball	Farrah	Law, Kathleen	Sheltrown
Baxter	Gaffney	Leland	Smith, Virgil
Bieda	Gillard	Lemmons, III	Stakoe
Booher	Gosselin	Lemmons, Jr.	Steil
Brandenburg	Green	Marleau	Stewart
Brown	Hansen	McConico	Taub
Casperson	Hildenbrand	Meisner	Tobocman
Caul	Hood	Meyer	Vagnozzi
Cheeks	Hoogendyk	Moolenaar	Vander Veen
Clemente	Hopgood	Mortimer	Ward
Condino	Hune	Newell	Waters

DeRoche
DillonHunter
JonesPalmer
Palsrok

Wenke

Nays—33Angerer
Bennett
Byrnes
Byrum
Caswell
Clack
Espinoza
Garfield
GleasonGonzales
Huizenga
Hummel
Lipsey
Mayes
McDowell
Miller
MooreMurphy
Nitz
Nofs
Pearce
Proos
Sak
Schuitmaker
ShafferSheen
Smith, Alma
Spade
Van Regenmorter
Walker
Whitmer
Williams
Wojno

In The Chair: Kooiman

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. Ward 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 CommitteesThe Committee on Senior Health, Security, and Retirement, by Rep. Vander Veen, Chair, reported
House Bill No. 4337, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2004 PA 394.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Vander Veen, Green, Stahl, Proos, Polidori, Clack and Vagnozzi

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, January 31, 2006

Present: Reps. Vander Veen, Green, Stahl, Proos, Polidori, Clack and Vagnozzi

Absent: Reps. Van Regenmorter and Zelenko

Excused: Reps. Van Regenmorter and Zelenko

The Committee on Appropriations, by Rep. Hummel, Chair, reported

House Bill No. 5498, entitled

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending section 20 (MCL 431.320), as amended by 2000 PA 471.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Caswell, Farhat, Moolenaar, Steil, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Williams, Alma Smith and Gonzales

Nays: Reps. Taub and Walker

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hummel, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Tuesday, January 31, 2006

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Williams, Alma Smith and Gonzales

Absent: Reps. Brandenburg, Shaffer, Booher, Cheeks and Plakas

Excused: Reps. Brandenburg, Shaffer, Booher, Cheeks and Plakas

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

Senate Bill No. 52, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 2 (MCL 125.2782).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett, Accavitti and McConico

Nays: None

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

Senate Bill No. 658, entitled

A bill to amend 1889 PA 39, entitled "An act to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce," by amending section 4 (MCL 455.54), as amended by 1982 PA 85.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman and Murphy

Nays: None

The Committee on Commerce, by Rep. Huizenga, Chair, reported
Senate Bill No. 751, entitled

A bill to amend 1929 PA 137, entitled "An act to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers," by amending section 19 (MCL 455.219).

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett and Accavitti
 Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
 Meeting held on: Tuesday, January 31, 2006

Present: Reps. Huizenga, Baxter, Emmons, Palsrok, Wenke, Green, Hildenbrand, Jones, David Law, Marleau, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Dillon, Bennett, Accavitti and McConico

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gaffney, Chair, of the Committee on Health Policy, was received and read:
 Meeting held on: Tuesday, January 31, 2006

Present: Reps. Gaffney, Newell, Robertson, Vander Veen, Hune, Nofs, Ball, Green, Kahn, Mortimer, Adamini, Wojno, McDowell, Murphy, Gleason and Angerer

Absent: Rep. Ward
 Excused: Rep. Ward

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 Friday, January 27:

Senate Bill Nos. 1007 1008 1009 1010 1011 1012 1013 1014 1015

The Clerk announced that the following Senate bills had been received on Tuesday, January 31:

Senate Bill Nos. 567 568 779 911 932

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5104, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 627 (MCL 257.627), as amended by 2004 PA 62.

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

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

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

House Bill No. 5168, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109, and by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

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

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

A bill to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending sections 16146, 16174, and 16245 (MCL 333.16146, 333.16174, and 333.16245), section 16146 as amended by 1988 PA 462, section 16174 as amended by 2002 PA 643, and section 16245 as amended by 1998 PA 109.

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

House Bill No. 5448, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 147 (MCL 330.1147), as amended by 1991 PA 40, and by adding section 134a.

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

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

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

Senate Bill No. 567, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," (MCL 252.301 to 252.325) by adding section 7a.

The Senate has passed the bill.

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

Senate Bill No. 568, entitled

A bill to amend 1972 PA 106, entitled "Highway advertising act of 1972," by amending sections 2, 3, 4, 6, 7, 11, 15, 16, 17, 18, 18a, and 19 (MCL 252.302, 252.303, 252.304, 252.306, 252.307, 252.311, 252.315, 252.316, 252.317, 252.318, 252.318a, and 252.319), sections 2, 3, 4, 6, 7, 15, 17, and 19 as amended and section 11 as added by 1998 PA 533 and section 18a as added by 1998 PA 464, and by adding section 11a; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 779, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 722 (MCL 257.722), as amended by 2002 PA 41.

The Senate has passed the bill.

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

Senate Bill No. 911, entitled

A bill to amend 1925 PA 368, entitled "An act to prohibit obstructions and encroachments on public highways, to provide for the removal thereof, to prescribe the conditions under which telegraph, telephone, power, and other public utility companies, cable television companies and municipalities may enter upon, construct and maintain telegraph, telephone, power or cable television lines, pipe lines, wires, cables, poles, conduits, sewers and like structures upon, over, across or under public roads, bridges, streets and waters and to provide penalties for the violation of this act," by amending section 1a (MCL 247.171a), as added by 2002 PA 151.

The Senate has passed the bill.

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

Senate Bill No. 932, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending the title and sections 5, 7, 9, 10, 10a, 11, 21, 23, 25, 27, 29, 31, 33, 39, 41, 43, 49, 51, 53, 55, 57, 61, 67, 69, 70, and 73 (MCL 257.1805, 257.1807, 257.1809, 257.1810, 257.1810a, 257.1811, 257.1821, 257.1823, 257.1825, 257.1827, 257.1829, 257.1831, 257.1833, 257.1839, 257.1841, 257.1843, 257.1849, 257.1851, 257.1853, 257.1855, 257.1857, 257.1861, 257.1867, 257.1869, 257.1870, and 257.1873), sections 5, 7, 10, and 10a as amended by 2000 PA 49, section 23 as amended by 1990 PA 322, section 33 as amended by 2001 PA 130, section 49 as amended by 1994 PA 309, section 53 as amended by 2004 PA 131, section 55 as amended by 2004 PA 231, and section 57 as amended by 1996 PA 170; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Communications from State Officers

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

Notices of Filing
Administrative Rules

January 13, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 1:12 P.M. this date, administrative rule (06-01-01) for the Department of Environmental Quality, Water Bureau, entitled "*Water Resources Protection, Part 8. Water Quality-Based Effluent Limit Development for Toxic Substances*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

January 13, 2006

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor and Economic Growth, State Office of Administrative Hearings and Rules filed at 1:14 P.M. this date, administrative rule (06-01-02) for the Department of Environmental Quality, Water Bureau, entitled "*Water Resources Protection, Part 4. Water Quality Standards*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

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

The communications were referred to the Clerk.

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

January 25, 2006

Enclosed is a copy of the following audit report and/or report summary:
Follow-up report on the performance audit of Undistributed and Undistributable Child Support Collections,
Child Support Program, Office of Child Support,
Family Independence Agency
January 2006

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

The communication was referred to the Clerk and the accompanying report referred to the Committee on Government Operations.

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

January 30, 2006

On behalf of the Michigan Automobile Theft Prevention Authority (ATPA) Board of Directors, I am pleased to submit our 2005 Annual Report to the House. I am proud to report that Michigan is carrying on its fight against automobile theft. This report is in accordance with provisions of Act 174 of 1992. Copies have also been delivered to Governor Granholm and the Secretary of the Senate. Furthermore, individual reports are being mailed to all members of the legislature. If you would like additional copies, please contact the ATPA at (517) 336-6197.

Sincerely,
Col. Tadarial J. Sturdivant
DIRECTOR

The communication was referred to the Clerk.

Introduction of Bills

Reps. Kathleen Law, Meisner, Sak, Waters, Hopgood, Donigan, McDowell, Alma Smith, Tobocman, Vagnozzi, Anderson, Espinoza, Plakas, Angerer, Spade, Zelenko, Lipsey, Williams, Polidori, Farrah, Gleason, Gonzales, Brown, Adamini, Cheeks and Lemmons, III introduced

House Bill No. 5615, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, and 11506 (MCL 324.11502, 324.11503, 324.11504, 324.11505, and 324.11506), section 11502 as amended by 2004 PA 35, sections 11503 and 11506 as amended by 1998 PA 466, and section 11504 as amended by 1996 PA 359, and by adding sections 11532a, 11532b, 11532c, 11532d, 11532e, 11532f, 11532g, and 11532h; and to repeal acts and parts of acts.

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

Reps. Anderson, Williams, Hopgood, Whitmer, Donigan, Farrah, Hood, Vagnozzi, Stewart, Kolb, Kathleen Law, Gleason, Meisner, Byrum, Polidori, Plakas, Adamini, Byrnes, Sak, Miller, Lipsey, Mayes, LaJoy, David Law, Alma Smith, Wenke, Gonzales, Bieda, Wojno, Accavitti, Gillard, Waters, Zelenko, Clemente, McConico, Cushingberry, Lemmons, Jr., Hunter, Condino, Murphy, Clack, Leland, Brown, Virgil Smith, Nofs, Gaffney and Lemmons, III introduced

House Bill No. 5616, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1310b. The bill was read a first time by its title and referred to the Committee on Education.

Reps. Vander Veen, Taub, Amos, Garfield, Kooiman, Marleau, Hoogendyk, Stahl, Condino, Hildenbrand, Emmons, Pearce, Mortimer, Huizenga and Hansen introduced

House Bill No. 5617, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," (MCL 388.1601 to 388.1772) by adding section 105d.

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

Reps. Vander Veen, Stakoe, Garfield, Kooiman, Amos, Hoogendyk, Stahl, Hildenbrand, Emmons, Pearce and Mortimer introduced

House Bill No. 5618, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16263, 16315, 16335, 17801, 17820, and 17822 (MCL 333.16263, 333.16315, 333.16335, 333.17801, 333.17820, and 333.17822), section 16263 as amended by 2004 PA 97, section 16315 as amended by 2001 PA 232, section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, and section 17820 and 17822 as amended by 2005 PA 281, and by adding sections 17823, 17824, and 17825.

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

Reps. Amos, Taub, Nitz, Booher, Moolenaar, Van Regenmorter, Garfield, Gaffney, Stahl, Vander Veen, Brandenburg, Caswell, Vagnozzi, Zelenko, Rocca, Shaffer, Baxter, Drolet, Casperson, LaJoy, Marleau, Schuitmaker, Farhat, Ball, Acciavatti, Mortimer, Stakoe, Huizenga, Farrah, Jones, Pastor, Nofs, Palsrok, Meyer, Hune, Accavitti, Byrnes, Wojno, McDowell, Emmons, Sheltroun, Walker, Lemmons, III, Moore, Kahn, Newell, David Law, Pearce, Green, Caul, Hoogendyk, Elsenheimer, Stewart, Cheeks, Plakas, Hildenbrand, Wenke and Ward introduced

House Bill No. 5619, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 561.

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

Rep. Adamini moved that the House adjourn.
The motion prevailed, the time being 3:10 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 1, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

