

No. 31
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House of Representatives
93rd Legislature
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House Chamber, Lansing, Thursday, March 23, 2006.

10:30 a.m.

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

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

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—e/d/s	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—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Williams—present
Dillon—present	Kooiman—present	Plakas—present	Wojno—present
Donigan—present	LaJoy—present	Polidori—present	Zelenko—present
Drolet—present	Law, David—present	Proos—present	

e/d/s = entered during session

Rep. Scott Hummel, from the 93rd District, offered the following invocation:

“The fear of the Lord is the beginning of wisdom and knowledge of the Holy One is understanding. Heavenly Father, we come before You today with humble hearts, acknowledge that You are the Sovereign One. You are the One who has created this earth and, Lord, created us for Your purposes and for Your glory. We ask for Your wisdom. We ask for Your guidance today for us, as we fulfill our responsibilities as Representatives of the people of Michigan and we pray for leading, Lord, as we go forward for this year, that we can honor You and help the people of Michigan and this state to be what it is suppose to be in Your eyes. Lord, thank You for the opportunity to be here. It is such a privilege to serve. We commit this day to You. In Jesus’ name, Amen.”

Second Reading of Bills

House Bill No. 5638, entitled

A bill to enter into the midwest interstate passenger rail compact to promote intergovernmental coordination aimed at development and promotion of intercity passenger rail transportation; to promote long-range planning for high-speed rail passenger service in the midwest; to describe the powers and duties of certain commissions; and to provide for ratification and a method of termination.

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.

House Bill No. 5408, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 43510, 43511, 43513, and 43516 (MCL 324.43510, 324.43511, 324.43513, and 324.43516), sections 43510 and 43516 as amended by 2004 PA 129, section 43511 as added by 1995 PA 57, and section 43513 as amended by 1998 PA 129.

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

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

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

The motion prevailed.

House Bill No. 5479, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1263 (MCL 380.1263), as amended by 1990 PA 159.

The bill was read a second time.

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

The motion prevailed.

Senate Bill No. 327, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1531 (MCL 380.1531), as amended by 2000 PA 497.

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

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

Rep. Donigan moved to amend the bill as follows:

1. Amend page 10, following line 1, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5424 of the 93rd Legislature is enacted into law.”

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

Rep. Donigan demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 284**Yeas—48**

Accavitti	Condino	Kolb	Polidori
Adamini	Cushingberry	Law, Kathleen	Sak
Anderson	Dillon	Leland	Sheltrown
Angerer	Donigan	Lemmons, Jr.	Smith, Alma
Bennett	Espinoza	Lipsey	Smith, Virgil
Bieda	Farrah	Mayes	Spade
Brown	Gillard	McConico	Tobocman
Byrnes	Gleason	McDowell	Vagnozzi
Byrum	Gonzales	Meisner	Waters
Cheeks	Hood	Miller	Williams
Clack	Hopgood	Murphy	Wojno
Clemente	Hunter	Plakas	Zelenko

Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward
Farhat	Law, David	Robertson	Wenke
Gaffney	Marleau		

In The Chair: Kooiman

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Stakoe moved that Rep. DeRoche be excused temporarily from today's session.
The motion prevailed.

Senate Bill No. 328, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 11f (MCL 388.1611f), as amended by 2004 PA 351.

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

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

Rep. Byrnes moved to amend the bill as follows:

1. Amend page 8, following line 4, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 5423.

(b) House Bill No. 5425.”.

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

Rep. Byrnes demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 285

Yeas—49

Accavitti	Cushingberry	Kolb	Polidori
Adamini	Dillon	Law, Kathleen	Sak
Anderson	Donigan	Leland	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Cheeks	Hopgood	Miller	Williams
Clack	Hunter	Murphy	Wojno
Clemente	Jones	Plakas	Zelenko
Condino			

Nays—56

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Farhat	Law, David	Proos	Ward
Gaffney	Marleau	Robertson	Wenke

In The Chair: Kooiman

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

The motion prevailed.

Senate Bill No. 329, entitled

A bill to amend 1979 PA 94, entitled “The state school aid act of 1979,” by amending section 20 (MCL 388.1620), as amended by 2004 PA 351, and by adding section 34.

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

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

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

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

Rep. Angerer moved to amend the bill as follows:

1. Amend page 22, following line 1, by inserting:

“Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 5423.

(b) House Bill No. 5425.”

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 286

Yeas—48

Accavitti	Condino	Kolb	Polidori
Adamini	Cushingberry	Law, Kathleen	Sak
Anderson	Dillon	Leland	Sheltrown
Angerer	Donigan	Lemmons, Jr.	Smith, Alma
Bennett	Espinoza	Lipsey	Smith, Virgil
Bieda	Farrah	Mayes	Spade
Brown	Gillard	McConico	Tobocman
Byrnes	Gleason	McDowell	Vagnozzi
Byrum	Gonzales	Meisner	Waters
Cheeks	Hood	Miller	Williams
Clack	Hopgood	Murphy	Wojno
Clemente	Hunter	Plakas	Zelenko

Nays—58

Acciavatti	Garfield	Meyer	Rocca
Amos	Gosselin	Moolenaar	Schuitmaker
Ball	Green	Moore	Shaffer
Baxter	Hansen	Mortimer	Sheen
Booher	Hildenbrand	Newell	Stahl
Brandenburg	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil
Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
DeRoche	Jones	Pastor	Van Regenmorter
Drolet	Kahn	Pavlov	Vander Veen
Elsenheimer	Kooiman	Pearce	Walker
Emmons	LaJoy	Proos	Ward

Farhat
Gaffney

Law, David
Marleau

Robertson

Wenke

In The Chair: Kooiman

Rep. Stakoe moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Senate Bill No. 330, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 31a (MCL 388.1631a), as amended by 2004 PA 593.

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

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

Rep. Angerer moved to amend the bill as follows:

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

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 5423.

(b) House Bill No. 5425."

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

Rep. Angerer demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 287

Yeas—51

Accavitti
Adamini
Anderson
Angerer
Bennett
Bieda
Brown
Byrnes
Byrum
Cheeks
Clack
Clemente
Condino

Cushingberry
Dillon
Donigan
Espinoza
Farrah
Gaffney
Gillard
Gleason
Gonzales
Hood
Hopgood
Hunter
Kolb

Law, Kathleen
Leland
Lemmons, Jr.
Lipsey
Mayes
McConico
McDowell
Meisner
Miller
Murphy
Nofs
Plakas
Polidori

Sak
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Stewart
Tobocman
Vagnozzi
Waters
Williams
Wojno
Zelenko

Nays—55

Acciavatti
Amos
Ball
Baxter
Booher
Brandenburg

Garfield
Gosselin
Green
Hansen
Hildenbrand
Hoogendyk

Marleau
Meyer
Moolenaar
Moore
Mortimer
Newell

Rocca
Schuitmaker
Shaffer
Sheen
Stahl
Stakoe

Casperson	Huizenga	Nitz	Steil
Caswell	Hummel	Palmer	Taub
Caul	Hune	Palsrok	Van Regenmorter
DeRoche	Jones	Pastor	Vander Veen
Drolet	Kahn	Pavlov	Walker
Elsenheimer	Kooiman	Pearce	Ward
Emmons	LaJoy	Proos	Wenke
Farhat	Law, David	Robertson	

In The Chair: Kooiman

Rep. Stakoe 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

House Bill No. 5811, entitled

A bill to amend 1971 PA 227, entitled “An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies,” by amending section 3 (MCL 445.113), as amended by 2002 PA 612.

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

Roll Call No. 288

Yeas—106

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

House Bill No. 5554, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 2511.

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

Roll Call No. 289**Yeas—100**

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

Nays—6

Drolet	Gosselin	Pastor	Sheen
Garfield	Hoogendyk		

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Lemmons, III entered the House Chambers.

House Bill No. 4486, entitled

A bill to repeal 1899 PA 188, entitled “Michigan estate tax act,” (MCL 205.201 to 205.256).

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

Roll Call No. 290**Yeas—62**

Acciavatti	Garfield	Meyer	Schuitmaker
Amos	Gosselin	Moolenaar	Shaffer
Ball	Green	Moore	Sheen
Baxter	Hansen	Mortimer	Sheltrown
Booher	Hildenbrand	Newell	Spade
Brandenburg	Hoogendyk	Nitz	Stahl
Casperson	Huizenga	Nofs	Stakoe
Caswell	Hummel	Palmer	Steil
Caul	Hune	Palsrok	Stewart
DeRoche	Jones	Pastor	Taub
Drolet	Kahn	Pavlov	Van Regenmorter
Elsenheimer	Kooiman	Pearce	Vander Veen
Emmons	LaJoy	Proos	Walker
Espinoza	Law, David	Robertson	Ward
Farhat	Marleau	Rocca	Wenke
Gaffney	McDowell		

Nays—45

Accavitti	Condino	Kolb	Plakas
Adamini	Cushingberry	Law, Kathleen	Polidori
Anderson	Dillon	Leland	Sak
Angerer	Donigan	Lemmons, III	Smith, Alma
Bennett	Farrah	Lemmons, Jr.	Smith, Virgil
Bieda	Gillard	Lipsey	Tobocman
Brown	Gleason	Mayes	Vagnozzi
Byrnes	Gonzales	McConico	Waters
Byrum	Hood	Meisner	Williams
Cheeks	Hopgood	Miller	Wojno
Clack	Hunter	Murphy	Zelenko
Clemente			

In The Chair: Kooiman

The House agreed to the title of the bill.

Reps. Stewart, Drolet, Kooiman, Meyer, Hummel, Pastor, LaJoy, DeRoche, Amos, Caswell, Wenke, Ward, Steil, Stahl, Farhat, Moolenaar, Palsrok, Casperson, Green, Jones, Kahn, Moore, Mortimer, Palmer, Pavlov, Pearce and Rocca were named co-sponsors of the bill.

Rep. Bieda, 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 rise in opposition to the passage of HBs 4486, 87, 88, 89 and 91.

If we pass this package of bills and the federal government does NOT permanently repeal its estate tax, then Michigan will send \$250 million every year to the federal government. This is because Michigan eliminated its Estate Tax in favor of a ‘pick-up’ tax that is dependent on the Federal Estate Tax.

Elimination of this ‘pick-up’ tax will ensure that this money will not go back to Michigan taxpayers. It won’t even stay in Michigan.

It will go to Washington DC.

Why would we just give away \$250 million a year? Why would we vote to send Michigan dollars to Washington DC when it is sorely needed here in this state?

And let’s be clear on one thing — whether we pass this legislation or not, it won’t make one cent difference to those who have any Estate Tax Liability in Michigan. Indeed, it doesn’t make sense.

Proponents of this bill contend that the U.S. Senate and the President have promised to eliminate the federal estate tax. That may very well be true.

But with the federal budget deficit currently at record high levels, this promised Federal Action isn’t exactly ‘Mission Accomplished’.

I think it is clear to everyone here that the motivation for these bills is purely political. Some groups may try to score cheap political points by saying they voted to repeal the ‘death tax’.

But I think the citizens of this state are smart enough to know that their tax bills won’t go down, and when they notice their elected officials sending \$250 million check to Washington DC every year, those supporting these bills will be held accountable.

We could have adopted an amendment that would have protected Michigan by making the elimination of the Michigan pick-up portion of the estate tax dependent on the federal elimination of the tax. This at least would have made some sense. Unfortunately, this amendment was not adopted.

Because these bills (with the sole exception of HB 4490 which I support) do not protect Michigan’s taxpayers and simply gives money to the federal government, I voted ‘no’ on HB 4486, 4487, 4488, 4489 and 4491.

I urge you to vote ‘no’ on these bills.”

Rep. Waters moved that Rep. McConico be excused temporarily from today’s session.

The motion prevailed.

House Bill No. 4487, entitled

A bill to amend 1979 PA 72, entitled “An act to require the governor to report certain tax information with the annual budget message to the legislature,” by repealing section 8 (MCL 21.278).

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

Roll Call No. 291

Yeas—62

Acciavatti	Garfield	Meyer	Schuitmaker
Amos	Gosselin	Moolenaar	Shaffer
Ball	Green	Moore	Sheen
Baxter	Hansen	Mortimer	Sheltrown
Booher	Hildenbrand	Newell	Spade
Brandenburg	Hoogendyk	Nitz	Stahl
Casperson	Huizenga	Nofs	Stakoe
Caswell	Hummel	Palmer	Steil
Caul	Hune	Palsrok	Stewart
DeRoche	Jones	Pastor	Taub
Drolet	Kahn	Pavlov	Van Regenmorter
Elsenheimer	Kooiman	Pearce	Vander Veen
Emmons	LaJoy	Proos	Walker
Espinoza	Law, David	Robertson	Ward
Farhat	Marleau	Rocca	Wenke
Gaffney	McDowell		

Nays—44

Accavitti	Clemente	Hunter	Plakas
Adamini	Condino	Kolb	Polidori
Anderson	Cushingberry	Law, Kathleen	Sak
Angerer	Dillon	Leland	Smith, Alma
Bennett	Donigan	Lemmons, III	Smith, Virgil
Bieda	Farrah	Lemmons, Jr.	Tobocman
Brown	Gillard	Lipsey	Vagnozzi
Byrnes	Gleason	Mayes	Waters
Byrum	Gonzales	Meisner	Williams
Cheeks	Hood	Miller	Wojno
Clack	Hopgood	Murphy	Zelenko

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Bieda, 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 Bills 4486, 4487, 4488, 4489 and 4491 because in the absence of a federal estate tax repeal, these bills would simply send more money to the federal government.

Michigan, like other states, utilizes the so-called federal ‘pick-up’ tax in computing state tax liabilities for estates. This approach sets the state liability equal to the credit allowed by the federal tax code for state taxes paid resulting in states collecting revenue with no increase in total federal-state tax liability for the estate.

For example, an estate with a gross taxable amount of \$1,000,000 would be taxed \$125,250 by the federal government after applying the federal credit that effectively exempts \$675,000 from taxation. The pick-up tax has the effect of dividing the \$125,250 into \$33,200 for the State and \$92,050 for the federal government.

The ill-advised elimination of this estate tax pick-up would simply send Michigan’s portion of the estate tax to the federal government. As such, this legislation, if passed while the federal estate tax still exists, discriminates against Michigan, sends more money to the federal government and does not provide one cent of tax relief to Michigan taxpayers. All in all, a pretty stupid proposal.”

House Bill No. 4488, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 13 (MCL 205.13), as amended by 1996 PA 479.

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

Roll Call No. 292**Yeas—62**

Acciavatti	Garfield	Meyer	Schuitmaker
Amos	Gosselin	Moolenaar	Shaffer
Ball	Green	Moore	Sheen

Baxter	Hansen	Mortimer	Sheltrown
Booher	Hildenbrand	Newell	Spade
Brandenburg	Hoogendyk	Nitz	Stahl
Casperson	Huizenga	Nofs	Stakoe
Caswell	Hummel	Palmer	Steil
Caul	Hune	Palsrok	Stewart
DeRoche	Jones	Pastor	Taub
Drolet	Kahn	Pavlov	Van Regenmorter
Elsenheimer	Kooiman	Pearce	Vander Veen
Emmons	LaJoy	Proos	Walker
Espinoza	Law, David	Robertson	Ward
Farhat	Marleau	Rocca	Wenke
Gaffney	McDowell		

Nays—44

Accavitti	Clemente	Hunter	Plakas
Adamini	Condino	Kolb	Polidori
Anderson	Cushingberry	Law, Kathleen	Sak
Angerer	Dillon	Leland	Smith, Alma
Bennett	Donigan	Lemmons, III	Smith, Virgil
Bieda	Farrah	Lemmons, Jr.	Tobocman
Brown	Gillard	Lipsey	Vagnozzi
Byrnes	Gleason	Mayes	Waters
Byrum	Gonzales	Meisner	Williams
Cheeks	Hood	Miller	Wojno
Clack	Hopgood	Murphy	Zelenko

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Bieda, 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 rise in opposition to the passage of HBs 4486, 87, 88, 89 and 91.

If we pass this package of bills and the federal government does NOT permanently repeal its estate tax, then Michigan will send \$250 million every year to the federal government. This is because Michigan eliminated its Estate Tax in favor of a ‘pick-up’ tax that is dependent on the Federal Estate Tax.

Elimination of this ‘pick-up’ tax will ensure that this money will not go back to Michigan taxpayers. It won’t even stay in Michigan.

It will go to Washington DC.

Why would we just give away \$250 million a year? Why would we vote to send Michigan dollars to Washington DC when it is sorely needed here in this state?

And let’s be clear on one thing — whether we pass this legislation or not, it won’t make one cent difference to those who have any Estate Tax Liability in Michigan. Indeed, it doesn’t make sense.

Proponents of this bill contend that the U.S. Senate and the President have promised to eliminate the federal estate tax. That may very well be true.

But with the federal budget deficit currently at record high levels, this promised Federal Action isn’t exactly ‘Mission Accomplished’.

I think it is clear to everyone here that the motivation for these bills is purely political. Some groups may try to score cheap political points by saying they voted to repeal the ‘death tax’.

But I think the citizens of this state are smart enough to know that their tax bills won't go down, and when they notice their elected officials sending \$250 million check to Washington DC every year, those supporting these bills will be held accountable.

We could have adopted an amendment that would have protected Michigan by making the elimination of the Michigan pick-up portion of the estate tax dependent on the federal elimination of the tax. This at least would have made some sense. Unfortunately, this amendment was not adopted.

Because these bills (with the sole exception of HB 4490 which I support) do not protect Michigan's taxpayers and simply gives money to the federal government, I voted 'no' on HB 4486, 4487, 4488, 4489 and 4491.

I urge you to vote 'no' on these bills."

House Bill No. 4489, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," by amending section 79 (MCL 205.779).

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

Roll Call No. 293

Yeas—63

Acciavatti	Garfield	McDowell	Schuitmaker
Amos	Gosselin	Meyer	Shaffer
Ball	Green	Moolenaar	Sheen
Baxter	Hansen	Moore	Sheltrown
Booher	Hildenbrand	Mortimer	Spade
Brandenburg	Hoogendyk	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Espinoza	Law, David	Proos	Ward
Farhat	Lemmons, III	Robertson	Wenke
Gaffney	Marleau	Rocca	

Nays—43

Accavitti	Clemente	Hunter	Polidori
Adamini	Condino	Kolb	Sak
Anderson	Cushingberry	Law, Kathleen	Smith, Alma
Angerer	Dillon	Leland	Smith, Virgil
Bennett	Donigan	Lemmons, Jr.	Tobocman
Bieda	Farrar	Lipsey	Vagnozzi
Brown	Gillard	Mayes	Waters
Byrnes	Gleason	Meisner	Williams
Byrum	Gonzales	Miller	Wojno
Cheeks	Hood	Murphy	Zelenko
Clack	Hopgood	Plakas	

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Bieda, 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 rise in opposition to the passage of HBs 4486, 87, 88, 89 and 91.

If we pass this package of bills and the federal government does NOT permanently repeal its estate tax, then Michigan will send \$250 million every year to the federal government. This is because Michigan eliminated its Estate Tax in favor of a ‘pick-up’ tax that is dependent on the Federal Estate Tax.

Elimination of this ‘pick-up’ tax will ensure that this money will not go back to Michigan taxpayers. It won’t even stay in Michigan.

It will go to Washington DC.

Why would we just give away \$250 million a year? Why would we vote to send Michigan dollars to Washington DC when it is sorely needed here in this state?

And let’s be clear on one thing — whether we pass this legislation or not, it won’t make one cent difference to those who have any Estate Tax Liability in Michigan. Indeed, it doesn’t make sense.

Proponents of this bill contend that the U.S. Senate and the President have promised to eliminate the federal estate tax. That may very well be true.

But with the federal budget deficit currently at record high levels, this promised Federal Action isn’t exactly ‘Mission Accomplished’.

I think it is clear to everyone here that the motivation for these bills is purely political. Some groups may try to score cheap political points by saying they voted to repeal the ‘death tax’.

But I think the citizens of this state are smart enough to know that their tax bills won’t go down, and when they notice their elected officials sending \$250 million check to Washington DC every year, those supporting these bills will be held accountable.

We could have adopted an amendment that would have protected Michigan by making the elimination of the Michigan pick-up portion of the estate tax dependent on the federal elimination of the tax. This at least would have made some sense. Unfortunately, this amendment was not adopted.

Because these bills (with the sole exception of HB 4490 which I support) do not protect Michigan’s taxpayers and simply gives money to the federal government, I voted ‘no’ on HB 4486, 4487, 4488, 4489 and 4491.

I urge you to vote ‘no’ on these bills.”

House Bill No. 4490, entitled

A bill to amend 1939 PA 330, entitled “An act to provide for access to, removal of contents from, surrender of, and discharge of liability of lessor of safe deposit boxes or compartments rented to 2 or more persons by either or any 1 of such persons or the survivor or survivors of them, unless otherwise provided in the safe deposit box or compartment rental agreement,” by amending section 1 (MCL 487.721), as amended by 1994 PA 370.

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

Roll Call No. 294

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrar	Lipse	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayer	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi

Caul	Huizenga	Nofs	Van Regenmorter
Cheeks	Hummel	Palmer	Vander Veen
Clack	Hune	Palsrok	Walker
Clemente	Hunter	Pastor	Ward
Condino	Jones	Pavlov	Waters
Cushingberry	Kahn	Pearce	Wenke
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

House Bill No. 4491, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 2517 and 3912 (MCL 700.2517 and 700.3912), section 2517 as amended by 2000 PA 177.

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

Roll Call No. 295**Yeas—63**

Acciavatti	Garfield	McDowell	Schuitmaker
Amos	Gosselin	Meyer	Shaffer
Ball	Green	Moolenaar	Sheen
Baxter	Hansen	Moore	Sheltrown
Booher	Hildenbrand	Mortimer	Spade
Brandenburg	Hoogendyk	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Espinoza	Law, David	Proos	Ward
Farhat	Lemmons, III	Robertson	Wenke
Gaffney	Marleau	Rocca	

Nays—43

Accavitti	Clemente	Hunter	Polidori
Adamini	Condino	Kolb	Sak
Anderson	Cushingberry	Law, Kathleen	Smith, Alma
Angerer	Dillon	Leland	Smith, Virgil
Bennett	Donigan	Lemmons, Jr.	Tobocman
Bieda	Farrah	Lipsey	Vagnozzi
Brown	Gillard	Mayes	Waters
Byrnes	Gleason	Meisner	Williams

Byrum
Cheeks
Clack

Gonzales
Hood
Hopgood

Miller
Murphy
Plakas

Wojno
Zelenko

In The Chair: Kooiman

The House agreed to the title of the bill.

Rep. Bieda, 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 the package of bills, HB 4491, along with HB 4486, 4487, 4488 and HB 4489 because these bills do not provide one cent of tax relief to Michigan taxpayers. In addition, the bills would send money that would otherwise stay in the state to the federal government.

This is an ill-advised action.

The proponents of this legislation suggest that the federal government is poised to eliminate the federal estate tax, and that state action is needed to eliminate Michigan’s pick-up portion of the tax. This argument totally ignores reality. Currently, because Michigan’s pick-up portion is dependant on the existence of the federal estate tax, Michigan gets a share of the estate tax which would otherwise go to the federal government. Eliminate the Michigan pick-up tax while the federal estate tax still exists, then Michigan loses money to the federal government and the Michigan taxpayer sees no tax relief.

If—and this is a big ‘if’—the President signs legislation eliminating the federal estate tax (which has its roots in the progressivism of President Teddy Roosevelt) then this legislation would make some sense. But irregardless of what happens at the federal level, the elimination of the State pick-up portion would have absolutely tax benefit to Michigan taxpayers.

Thus I voted ‘no’ on House Bills 4486, 4487, 4488, 4489 and 4491.”

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5606, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1278a; and to repeal acts and parts of acts.

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 amended the title to read as follows:

A bill to amend 1976 PA 451, entitled “An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts,” by amending section 1280 (MCL 380.1280), as amended by 2003 PA 275, and by adding section 1278a.

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

Rep. Stakoe 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 not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 296**Yeas—13**

Angerer	Condino	Hunter	Sheltrown
Bieda	Donigan	Kolb	Tobocman
Byrnes	Gillard	Polidori	Vagnozzi
Clemente			

Nays—93

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

In The Chair: Kooiman

Third Reading of Bills

Rep. Stakoe moved that **House Bill No. 5811** be given immediate effect.

The question being on the motion made by Rep. Stakoe,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Stakoe,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 297**Yeas—107**

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

Nays—0

In The Chair: Kooiman

Rep. Stakoe moved that **House Bill No. 5554** be given immediate effect.

The question being on the motion made by Rep. Stakoe,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Stakoe,

The motion prevailed, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 298**Yeas—103**

Accavitti	Drolet	Leland	Robertson
Acciavatti	Elsenheimer	Lemmons, III	Rocca
Adamini	Emmons	Lemmons, Jr.	Sak
Amos	Espinoza	Lipsey	Schuitmaker
Anderson	Farhat	Marleau	Shaffer
Angerer	Farrah	Mayer	Sheltrown
Ball	Gaffney	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Green	Miller	Stakoe
Brandenburg	Hansen	Moolenaar	Steil

Brown	Hildenbrand	Moore	Stewart
Byrnes	Hood	Mortimer	Taub
Byrum	Hopgood	Murphy	Tobocman
Casperson	Huizenga	Newell	Vagnozzi
Caswell	Hummel	Nitz	Van Regenmorter
Caul	Hune	Nofs	Vander Veen
Cheeks	Hunter	Palmer	Walker
Clack	Jones	Palsrok	Ward
Clemente	Kahn	Pastor	Waters
Condino	Kolb	Pavlov	Wenke
Cushingberry	Kooiman	Pearce	Williams
DeRoche	LaJoy	Plakas	Wojno
Dillon	Law, David	Polidori	Zelenko
Donigan	Law, Kathleen	Proos	

Nays—4

Garfield	Gosselin	Hoogendyk	Sheen
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In The Chair: Kooiman

Rep. Stakoe moved that **House Bill No. 4486** be given immediate effect.

The question being on the motion made by Rep. Stakoe,

Rep. Waters demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Stakoe,

The motion did not prevail, 2/3 of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 299**Yeas—63**

Acciavatti	Garfield	McDowell	Schuitmaker
Amos	Gosselin	Meyer	Shaffer
Ball	Green	Moolenaar	Sheen
Baxter	Hansen	Moore	Sheltrown
Booher	Hildenbrand	Mortimer	Spade
Brandenburg	Hoogendyk	Newell	Stahl
Casperson	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Espinoza	Law, David	Proos	Ward
Farhat	Lemmons, III	Robertson	Wenke
Gaffney	Marleau	Rocca	

Nays—44

Accavitti	Clemente	Hunter	Plakas
Adamini	Condino	Kolb	Polidori

Anderson	Cushingberry	Law, Kathleen	Sak
Angerer	Dillon	Leland	Smith, Alma
Bennett	Donigan	Lemmons, Jr.	Smith, Virgil
Bieda	Farrah	Lipsey	Tobocman
Brown	Gillard	Mayes	Vagnozzi
Byrnes	Gleason	McConico	Waters
Byrum	Gonzales	Meisner	Williams
Cheeks	Hood	Miller	Wojno
Clack	Hopgood	Murphy	Zelenko

In The Chair: Kooiman

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Clack, Accavitti, Adamini, Anderson, Brown, Byrum, Cheeks, Condino, Cushingberry, Donigan, Elsenheimer, Farrah, Gillard, Gleason, Gonzales, Green, Hildenbrand, Hoogendyk, Hopgood, Kolb, Kooiman, David Law, Lemmons, Jr., Lipsey, Mayes, McDowell, Meisner, Meyer, Miller, Mortimer, Murphy, Nitz, Plakas, Polidori, Proos, Sak, Shaffer, Alma Smith, Spade, Stahl, Tobocman, Vagnozzi, Van Regenmorter, Waters, Wojno, Zelenko, Byrnes, Leland, Lemmons, III and Sheltroun offered the following resolution:

House Resolution No. 220.

A resolution commemorating May 1, 2006, as Law Day in the state of Michigan.

Whereas, In 1958, the American Bar Association envisioned a day for celebrating the American Legal System. It was determined to strengthen the law at the crucial turning point in the history of mankind. Law Day's purpose was for a nationwide salute to the law and its place in American life; and

Whereas, The principle of guaranteed fundamental rights of individuals, under the law, is the heart and soul of our Nation, and it distinguishes our governmental system of one that is ruled by people and for the people. A day of national dedication to the principle of government under law has afforded us an opportunity to better understand and appreciate the legal principles of our government; and

Whereas, May 1st is set aside as a special day of celebration by the American people in appreciation of their liberties; the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life; and

Whereas, This year, the Law Day theme is "*Liberty Under Law: Separate Branches Balanced Powers.*" It is important that all Americans understand what the Founders intended and accomplished in creating a government of separate powers. The Founders were very concerned that the government they establish should not have all its powers concentrated in the hands of a few officials; and

Whereas, The Founders were also concerned that the powers granted to one branch would be balanced by powers granted to others. A separation of powers doctrine was created among the three branches of government – executive, legislative, and judicial. Congress's power to legislate, for example, is balanced by the executive's power to veto legislation and by the judiciary's power to declare legislation unconstitutional; and

Whereas, In an effort to balance any accumulation of power, our nation's Founders provided for a system of checks and balances in the United States Constitution. This system ensures that each branch serves as a constraint on, and is constrained by, the powers of the other branches; and

Whereas, The American system of separation of powers and checks and balances stands as a model for other nations around world; and

Whereas, This year's theme: "*Liberty Under Law: Separate Branches Balanced Powers*" will illustrate that the branches have their separate spheres and separate powers, but work together for the common good. The theme also is central to building an understanding of the rule of law, which has always been a primary purpose of Law Day; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate May 1, 2006, as Law Day in the state of Michigan. We honor the contributions it is making to educate the American public; and be it further

Resolved, We honor and join other organizations throughout the state and this country, as they use this occasion to preserve and strengthen the rule of law; and be it further

Resolved, That a copy of this resolution be transmitted to the American Bar Association and local bar associations throughout the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Baxter, Accavitti, Anderson, Ball, Brandenburg, Brown, Byrum, Caul, Condino, Cushingberry, Donigan, Elsenheimer, Farrah, Gillard, Gleason, Gosselin, Green, Hansen, Hildenbrand, Hopgood, Huizenga, Jones, Kolb, Kooiman, LaJoy, David Law, Lemmons, Jr., Lipsey, Marleau, Mayes, McDowell, Meyer, Miller, Mortimer, Murphy, Nitz, Nofs, Proos, Sak, Shaffer, Alma Smith, Spade, Stahl, Stewart, Tobocman, Wojno, Zelenko, Byrnes, Leland, Lemmons, III and Sheltroun offered the following resolution:

House Resolution No. 221.

A resolution commemorating April 2006 as Raise the Flags and Dig Safely Month in the state of Michigan.

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

Whereas, There continues to be steady construction activity in the state of Michigan. This construction activity has sometimes led to damages to underground facilities, which consist of cables, pipes, and lines. At times, these incidents have resulted in the loss of property and even serious injury to Michigan's citizens. Annually, there are several thousand recorded incidents of damages to underground facilities that occur in Michigan.

Whereas, Michigan's major gas, electric and telecommunications companies, as well as other associated groups and the Michigan Public Service Commission, have worked together to develop and implement the best practices designed to decrease such incidents in the future; and

Whereas, The Raise the Flags education campaign, sponsored by a utility consortium, is now six years strong. This damage prevention program has been successful in helping to educate utility customers and the general public about safe digging, and has helped reduce accidents and damage resulting from damages to underground facilities. The program is recognized by Michigan's major gas and electric utilities such as Consumers Energy and DTE Energy, as well as other associated groups such as the Michigan Infrastructure and Transportation Association, Michigan Damage Prevention Board, MISS DIG System, Inc., and the Michigan Public Service Commission; and

Whereas, The Raise the Flags campaign has also demonstrated success in educating residents about the Michigan law that requires calling MISS DIG at least three working days before beginning a construction project. These projects can be as simple as planting a tree, installing a mailbox post or deck, and as complex as constructing an office building, residential home, or making major road repairs. The Raise the Flags campaign encourages contractors and the general public to call MISS DIG before digging, wait the required amount of time before digging, respect the staking flags, and then dig carefully; and

Resolved by the House of Representatives, That the members of this legislative body commemorate April 2006 as Raise the Flags and Dig Safely Month in the state of Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Mayes, Nitz, Proos, Kathleen Law, Sheltroun, Spade, Polidori, Stahl, Newell, Hune, Casperson, Ball, Accavitti, Adamini, Anderson, Brown, Byrum, Cheeks, Clack, Condino, Cushingberry, Donigan, Elsenheimer, Farrah, Gillard, Gleason, Gonzales, Green, Hansen, Hildenbrand, Hopgood, Huizenga, Jones, Kolb, Kooiman, Lemmons, Jr., Lipsey, McDowell, Meisner, Meyer, Miller, Mortimer, Murphy, Nofs, Plakas, Sak, Shaffer, Alma Smith, Stewart, Tobocman, Vagnozzi, Waters, Wojno, Zelenko, Byrnes, Leland and Lemmons, III offered the following resolution:

House Resolution No. 222.

A resolution proclaiming April 2006 as Agricultural Security Month in the state of Michigan.

Whereas, Agriculture is a leading industry in Michigan. It directly and indirectly contributes \$60.1 billion in economic activity annually, and accounts for 1.05 million jobs; and

Whereas, Michigan's agricultural sector is vital to the health of our citizens as a provider of safe, secure, affordable, and nutritious foods. It is also vital to our environment through conservation practices and as a preserver of open space; and

Whereas, Michigan farmers face numerous challenges as they seek to meet society's needs. Not only do they face weather related disasters and increasingly stiff global competition, but also emerging animal and plant diseases and man-made threats ranging from criminal activity to agro-terrorism; and

Whereas, Prevention of incidents can be improved through education and training, as well as increased physical security practices like appropriate use of locks, gates, and biosecurity measures; and

Whereas, Preparedness, through developing emergency response plans and contact information, helps provide for early detection by a trained and ready workforce; and

Whereas, Quick and effective response to incidents can help to prevent the spread of diseases, the loss of life, and the reduction of Michigan jobs, as well as minimize the impact on Michigan's environment; and

Whereas, Rapid recovery from agricultural emergencies increasingly requires close coordination of actions with the private sector by officials from all levels of government, as well as university experts; and

Whereas, Michigan leaders from both the public and private sectors have worked together to develop numerous useful tools to help improve security and emergency management capabilities in the agricultural sector, including the "Be Aware, Be Prepared" campaign, the "Emergency Planning for the Farm" bulletin, the "Agricultural Security Series," and many others; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim April 2006 as Agricultural Security Month in Michigan.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

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

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Espinoza, McDowell, Lipsey, Alma Smith, Plakas, Acciavatti, Gleason, Bieda, Condino, Angerer, Lemmons, III, Accavitti, Anderson, Brandenburg, Brown, Byrum, Cheeks, Clack, Cushingberry, Donigan, Farrah, Gillard, Gonzales, Green, Hopgood, Kolb, Lemmons, Jr., Mayes, Meisner, Miller, Murphy, Polidori, Sak, Spade, Stewart, Tobocman, Vagnozzi, Waters, Wojno, Zelenko, Byrnes, Leland and Sheltroun offered the following resolution:

House Resolution No. 223.

A resolution to urge the Department of Homeland Security to make public the findings of a recent Inspector General report that outlined the security threat posed by Canadian waste shipments.

Whereas, The Department of Homeland Security (DHS) Office of Inspector General (OIG) released a summary "Audit of Screening Trucks Carrying Canadian Municipal Solid Waste" in January 2006 assessing the Bureau of Customs and Border Protection's process for screening trucks carrying Canadian municipal solid waste; and

Whereas, The volume of waste imported into Michigan from Canada has increased by 347% since 1996, and some shipments have already been found to contain medical waste, illegal drugs, and illegal currency. In addition, other serious safety concerns have arisen as a result of several trucks hauling Canadian waste being involved in traffic accidents, including at least two incidents within the last year where loads have spilled onto public roads in Michigan; and

Whereas, The OIG has concluded in its report that improvements are needed in the port inspection process in order to better protect American citizens. The OIG recommended that a risk analysis be conducted and a more uniform inspection process be created, which would include minimum requirements for selecting and inspecting trucks carrying Canadian waste. However, these suggested reforms cannot be properly debated and implemented until the findings of the unclassified OIG report are made public. We are greatly troubled by the refusal of DHS to release the report of this investigation, and we find no basis for not releasing the entire report publicly; now therefore, be it

Resolved by the House of Representatives, That we urge the Department of Homeland Security to make public the findings of a recent Inspector General report that outlined the security threat posed by Canadian waste shipments; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Homeland Security.

The resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported

House Bill No. 5553, entitled

A bill to amend 1988 PA 57, entitled "An act to provide for the incorporation by 2 or more municipalities of certain authorities for the purpose of providing emergency services to municipalities; to provide for the powers and duties of

authorities and of certain state and local agencies and officers; to guarantee certain labor contracts and employment rights in regard to the formation and reorganization of authorities; to provide for certain condemnation proceedings; to provide for the levy of property taxes for certain purposes; and to prescribe penalties and provide remedies," by amending the title and sections 5 and 9 (MCL 124.605 and 124.609), the title as amended by 1999 PA 167.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Accavitti, Donigan, Vagnozzi and Virgil Smith

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stakoe, Chair, of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Wednesday, March 22, 2006

Present: Reps. Stakoe, Elsenheimer, Van Regenmorter, Robertson, Nitz, Baxter, Schuitmaker, Accavitti, Donigan, Vagnozzi and Virgil Smith

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Bill No. 5842, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 3 and 8 (MCL 722.623 and 722.628), section 3 as amended by 2002 PA 693 and section 8 as amended by 2004 PA 195.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Bill No. 5843, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 8b (MCL 722.628b), as amended by 1998 PA 484.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

Nays: None

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Bill No. 5844, entitled

A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 3 (MCL 722.623), as amended by 2002 PA 693.

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. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.
Nays: None

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Resolution No. 209.

A resolution to memorialize the United States Congress to provide flexible funding to help states and local communities clean up and deal with the disastrous effects of clandestine methamphetamine labs.

(For text of resolution, see House Journal No. 24, p. 448.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.
Nays: None

The Committee on Family and Children Services, by Rep. Stahl, Chair, reported

House Resolution No. 210.

A resolution to encourage the Michigan Department of Education and school districts to educate teachers and administrators on the dangers of methamphetamine.

(For text of resolution, see House Journal No. 24, p. 448.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stahl, Chair, of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, March 22, 2006

Present: Reps. Stahl, Pearce, Vander Veen, Hoogendyk, Sheen, Clack, Spade, Polidori and Lemmons, Jr.

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

House Bill No. 5860, entitled

A bill to amend 1966 PA 291, entitled "Fire fighters training council act of 1966," by amending the title and sections 3, 9, 11, and 14 (MCL 29.363, 29.369, 29.371, and 29.374), the title and section 3 as amended by 1987 PA 196 and section 9 as amended by 1988 PA 458.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

The Committee on Appropriations, by Rep. Hummel, Chair, reported
House Bill No. 5861, entitled

A bill to amend 1935 PA 59, entitled "An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929," by repealing section 5 (MCL 28.5).

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5862, entitled

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 3a and 8b (MCL 125.1503a and 125.1508b), as added by 1999 PA 245.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5863, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 77101 (MCL 324.77101), as added by 1995 PA 58.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5864, entitled

A bill to amend 1956 PA 217, entitled "Electrical administrative act," by amending section 2 (MCL 338.882), as amended by 1992 PA 130.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5865, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1285a (MCL 380.1285a), as amended by 2002 PA 695.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5866, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 58 (MCL 400.58).

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5867, entitled

A bill to amend 1967 PA 227, entitled "An act to regulate the inspection, construction, installation, alteration, maintenance, repair and operation of elevators and the licensing of elevator contractors; to prescribe the functions of the director of labor; to create, and prescribe the functions of, the elevator safety board; to provide penalties for violations of the act; and to repeal certain acts and parts of acts," by amending section 20 (MCL 408.820).

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5868, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 12 (MCL 480.22), as amended by 2005 PA 177.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5869, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending sections 2, 3, and 10 (MCL 722.112, 722.113, and 722.120), section 2 as amended by 1983 PA 150, section 3 as amended by 1980 PA 232, and section 10 as amended by 1994 PA 205.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5870, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3010 (MCL 500.3010), as added by 2000 PA 413.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

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

House Bill No. 5871, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312e (MCL 257.312e), as amended by 2004 PA 362.

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. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Steil, Taub, Walker, Booher, Caul, Hansen, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, March 22, 2006

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith, Gonzales, Hood and Murphy

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

House Bill No. 4745, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 409a.

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law and Mortimer

Nays: Reps. Hunter, Adamini, Leland, Anderson, Condino and Farrah

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

House Bill No. 4746, entitled

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

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law and Mortimer

Nays: Reps. Hunter, Adamini, Leland, Anderson, Condino and Farrah

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

House Bill No. 5608, entitled

A bill entering into the interstate insurance product regulation compact; and for related purposes.

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. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Mortimer, Hunter, Adamini, Leland, Anderson, Condino and Farrah

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, March 23, 2006

Present: Reps. Hune, Robertson, Emmons, Gaffney, Sheen, Ball, Hildenbrand, David Law, Marleau, Mortimer, Hunter, Adamini, Leland, Anderson, Condino and Farrah

Absent: Rep. Wojno

Excused: Rep. Wojno

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, March 23, 2006

Present: Reps. Palsrok, Pavlov, Meyer, Palmer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair, of the Committee on Employment Relations, Training, and Safety, was received and read:

Meeting held on: Thursday, March 23, 2006

Present: Reps. Gosselin, Marleau, Drolet, LaJoy, Bieda, Farrah and Hopgood

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, March 23:

House Bill Nos. 5903 5904 5905

Senate Bill Nos. 1184 1185 1186 1187 1188

The Clerk announced that the following Senate bills had been received on Thursday, March 23:

Senate Bill Nos. 376 973 974 975 976 1110

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 4838, entitled**

A bill to amend 1984 PA 431, entitled "The management and budget act," (MCL 18.1101 to 18.1594) by adding section 1299.

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

The House agreed to the full title.

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

House Bill No. 5282, entitled

A bill to amend 2000 PA 258, entitled "Career and technical preparation act," by amending section 13 (MCL 388.1913).

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

The House agreed to the full title.

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

House Bill No. 5620, entitled

A bill to amend 1988 PA 234, entitled "Michigan Vietnam veterans memorial act," by amending section 5a (MCL 35.1055a), as added by 2000 PA 470.

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

The House agreed to the full title.

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

House Bill No. 4161, entitled

A bill to amend 1996 PA 305, entitled "Acknowledgment of parentage act," by amending sections 6 and 7 (MCL 722.1006 and 722.1007).

The Senate has amended the bill as follows:

1. Amend page 2, following line 26, by inserting:

"(H) THAT IN ORDER TO REVOKE AN ACKNOWLEDGMENT OF PARENTAGE, AN INDIVIDUAL MUST FILE A CLAIM AS PROVIDED UNDER SECTION 11."

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

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

House Bill No. 4398, entitled

A bill to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment, levy, and collection of taxes and fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

The Senate has substituted (S-5) the bill.

The Senate has passed the bill as substituted (S-5), ordered that it be given immediate effect and amended the title to read as follows:

A bill to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

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

House Bill No. 5648, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 478 (MCL 168.478).

The Senate has amended the bill as follows:

1. Amend page 1, line 4, after "by" by striking out **"THE FOURTH DISTRICT OF THE STATE COURT OF APPEALS OR"**.

2. Amend page 2, line 3, by striking out all of enacting section 1 and inserting:

"Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

- (a) Senate Bill No. 973.
- (b) Senate Bill No. 974.
- (c) Senate Bill No. 975.
- (d) Senate Bill No. 976.

- (e) House Bill No. 5649.
- (f) House Bill No. 5650.”.

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

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

House Bill No. 5649, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 479 (MCL 168.479).

The Senate has amended the bill as follows:

1. Amend page 1, line 2, after the first “**THE**” by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS, THE**”.
2. Amend page 1, line 3, after “**CANVASSERS**” by striking out the comma.
3. Amend page 1, line 6, by striking out all of enacting section 1 and inserting:
“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:
 - (a) Senate Bill No. 973.
 - (b) Senate Bill No. 974.
 - (c) Senate Bill No. 975.
 - (d) Senate Bill No. 976.
 - (e) House Bill No. 5648.
 - (f) House Bill No. 5650.”.

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

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

House Bill No. 5650, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

The Senate has amended the bill as follows:

1. Amend page 1, line 1, after “The” by striking out the balance of the line through “**APPEALS**” on line 2 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
2. Amend page 1, line 5, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
3. Amend page 1, line 6, after “**UNLESS**” by striking out “**IT**” and inserting “**HE OR SHE**”.
4. Amend page 2, line 1, after the first “**THE**” by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
5. Amend page 2, line 3, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
6. Amend page 2, line 16, by striking out “**FOURTH DISTRICT OF THE STATE COURT OF APPEALS**” and inserting “**STATE DIRECTOR OF ELECTIONS**”.
7. Amend page 2, line 16, after “makes” by striking out “its” and inserting “**HIS OR HER**”.
8. Amend page 2, line 18, after “The” by striking out the balance of the line through “**APPEALS**” on line 19 and inserting “**STATE DIRECTOR OF ELECTIONS**”.
9. Amend page 2, line 22, after “canvass.” by striking out the balance of the bill and inserting:
“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:
 - (a) Senate Bill No. 973.
 - (b) Senate Bill No. 974.
 - (c) Senate Bill No. 975.
 - (d) Senate Bill No. 976.
 - (e) House Bill No. 5648.
 - (f) House Bill No. 5649.”.

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

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

Senate Bill No. 376, entitled

A bill to establish an organ donor leave time program for certain individuals employed by this state; to provide for implementation and administration of the program; and to prescribe powers and duties of certain state officers and agencies.

The Senate has passed the bill.

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

Senate Bill No. 973, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 32 (MCL 168.32); 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 House Oversight, Elections, and Ethics.

Senate Bill No. 974, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 474 (MCL 168.474).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Senate Bill No. 975, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 474a (MCL 168.474a), as amended by 1999 PA 219.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Senate Bill No. 976, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 476 (MCL 168.476), as amended by 2005 PA 71.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on House Oversight, Elections, and Ethics.

Senate Bill No. 1110, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2a of chapter XI (MCL 771.2a), as amended by 2005 PA 126.

The Senate has passed the bill.

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

Notices

March 23, 2006

Mr. Gary L. Randall, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, MI 48913

Dear Mr. Clerk:

I hereby appoint the following Representatives to replace Representative Michael Murphy on each respective standing committee.

Transportation – Representative Steve Tobocman

Health Policy – Representative Brenda Clack

Energy and Technology – Representative Matthew Gillard

Commerce – Representative Gabe Leland

Sincerely,
Craig M. DeRoche
Speaker of the House

Messages from the Governor

Date: March 16, 2006

Time: 11:32 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4642 (Public Act No. 75, I.E.), being

An act to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 12 (MCL 28.432), as amended by 2004 PA 99.

(Filed with the Secretary of State March 23, 2006, at 10:16 a.m.)

Introduction of Bills

Rep. Marleau introduced

House Bill No. 5906, entitled

A bill to authorize local units of government to levy a tax for the purpose of operating and maintaining storm water utility systems.

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

Reps. Mortimer, Kahn, Gaffney and Ball introduced

House Bill No. 5907, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

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

Reps. Stahl, Shaffer, Hummel, Caswell, Kooiman, Hildenbrand, Emmons, Gosselin, Hoogendyk, Casperson, Marleau, Moolenaar, Steil, Sheen, Stakoe, Nofs, Sheltroun, Palmer, Vander Veen, Newell, Pearce, Ward, Pastor, Garfield, Robertson, Huizenga, Elsenheimer, Palsrok, Acciavatti, LaJoy, Green, Hansen, Moore, Taub, Hune, Van Regenmorter, Brandenburg and Jones introduced

House Bill No. 5908, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending sections 23b, 23d, 23e, and 46 of chapter X (MCL 710.23b, 710.23d, 710.23e, and 710.46), section 23b as added and section 46 as amended by 1994 PA 222, section 23d as amended by 2004 PA 487, and section 23e as amended by 2000 PA 55.

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

Reps. Hummel, Stahl, Shaffer, Caswell, Kooiman, Hildenbrand, Emmons, Drolet, Hoogendyk, Gosselin, Casperson, Marleau, Moolenaar, Steil, Sheen, Stakoe, Nofs, Sheltroun, Palmer, Newell, Pearce, Ward, Meyer, Pastor, Garfield, Vander Veen, Robertson, Huizenga, Elsenheimer, Palsrok, Acciavatti, LaJoy, Green, Hansen, Moore, Taub, Hune, Van Regenmorter, Brandenburg and Jones introduced

House Bill No. 5909, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 5c.

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

Reps. Gosselin, Hoogendyk, Garfield, Acciavatti, Pavlov, Casperson, Drolet, Pastor, Robertson, Shaffer, Marleau, Jones, Kahn, LaJoy, Rocca, Mortimer, Hildenbrand, Schuitmaker, Stakoe, Stahl, Moore, David Law, Palsrok, Moolenaar, Green, Steil, Ward, Hune, Newell, Nitz, Baxter, Kooiman, Palmer and Emmons introduced

House Bill No. 5910, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 27a (MCL 211.27a), as amended by 2005 PA 23.

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

Reps. Caul, Proos, Moore, Pavlov, Emmons, Hansen, Booher, Green, Pearce, Moolenaar, Marleau, Nitz and Baxter introduced

House Bill No. 5911, entitled

A bill to require certain consumer reporting agencies to place security freezes on certain consumer credit information; to authorize and limit fees; and to provide remedies.

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

Rep. Sheltroun moved that the House adjourn.
The motion prevailed, the time being 12:55 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 28, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives