

No. 75
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Tuesday, September 13, 2005.

1:00 p.m.

The House was called to order by Associate Speaker Pro Tempore Elsenheimer.

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

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

e/d/s = entered during session

Rep. John C. Stewart, from the 20th District, offered the following invocation:

“Dear Lord, we thank You for the opportunity to come together as the Michigan Legislature and to honor several student athletes. We are glad to honor these student athletes who best exemplify excellence – in academics and athletics. Also, we congratulate the **team** for their National Championship in women’s softball. Remind us that oftentimes, ‘physical fitness, mental fitness and emotional fitness go hand in hand.’

Please give this legislature and the Governor the wisdom to support higher education such that a college education should provide for an unquenchable thirst for knowledge and a hunger for a philosophy for life. Give us the strength to always strive for the closest approximation of truth. Help us to always be ‘intellectually honest’

As we recognize the need to support Higher Education, let us all remember that ‘The University of Michigan was founded in the wilderness in 1817, in excellence and strength it grew; it was nourished by a dream. The University of Michigan, the people said – be free – to teach, to serve, to probe the unknown – the University of Michigan – our University.’ Finally Lord, help us to be more kind and humble and teach us to serve You more each day. Amen.”

Rep. Sak moved that Reps. Hood and Phillips be excused from today’s session.
The motion prevailed.

The Speaker Pro Tempore assumed the Chair.

Third Reading of Bills

House Bill No. 4642, entitled

A bill 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.

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

Roll Call No. 398

Yeas—102

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipse	Schuitmaker
Amos	Gaffney	Marleau	Shaffer
Anderson	Garfield	Mayes	Sheen
Angerer	Gillard	McDowell	Sheltrown
Ball	Gleason	Meisner	Smith, Alma
Baxter	Gonzales	Meyer	Smith, Virgil
Bennett	Gosselin	Miller	Spade
Bieda	Green	Moolenaar	Stahl
Booher	Hansen	Moore	Stakoe
Brandenburg	Hildenbrand	Mortimer	Steil
Brown	Hoogendyk	Murphy	Stewart
Byrnes	Hopgood	Newell	Taub
Byrum	Huizenga	Nitz	Vagnozzi
Casperson	Hummel	Nofs	Van Regenmorter
Caswell	Hune	Palmer	Vander Veen

Caul	Hunter	Palsrok	Walker
Clack	Jones	Pastor	Ward
Clemente	Kahn	Pavlov	Waters
Condino	Kehrl	Pearce	Wenke
DeRoche	Kooiman	Plakas	Whitmer
Dillon	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer	Law, Kathleen	Robertson	Zelenko
Emmons	Leland		

Nays—5

Cheeks	Kolb	McConico	Tobocman
Donigan			

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. Cushingberry entered the House Chambers.

Senate Bill No. 83, entitled

A bill to amend 1964 PA 287, entitled “An act to provide for the organization and functions of the state boards of education under the constitutions of 1908 and 1963; to provide for the appointment and functions of the superintendent of public instruction under the constitution of 1963; and to repeal certain acts and parts of acts,” by amending section 9a (MCL 388.1009a), as amended by 1983 PA 240.

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

Roll Call No. 399**Yeas—108**

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	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
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

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.

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

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
House Bill No. 5067, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending the title and section 105 (MCL 436.1105) and by adding section 914.

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. Rocca, Jones, Gaffney, Wojno and McDowell
Nays: None

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported
Senate Bill No. 370, entitled

A bill to amend 1993 PA 92, entitled "Seller disclosure act," by amending section 7 (MCL 565.957), as amended by 2003 PA 130.

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. Rocca, Jones, Van Regenmorter, Gaffney, Wojno, McDowell and Virgil Smith
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Rocca, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Tuesday, September 13, 2005

Present: Reps. Rocca, Jones, Van Regenmorter, Gaffney, Wojno, McDowell and Virgil Smith

Absent: Reps. Palsrok and Lemmons, III

Excused: Reps. Palsrok and Lemmons, III

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

House Bill No. 5050, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 9 (MCL 207.559), as amended by 1999 PA 140.

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, Pavlov, Schuitmaker, Meisner, Tobocman, Murphy, Bennett and Accavitti

Nays: None

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

Senate Bill No. 175, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2003 PA 5.

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, Pavlov and Schuitmaker

Nays: Reps. Meisner, Murphy, Bennett and Accavitti

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 13, 2005

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

Absent: Reps. Marleau, Dillon and McConico

Excused: Reps. Marleau, Dillon and McConico

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. LaJoy, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Tuesday, September 13, 2005

Present: Reps. LaJoy, Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov, Anderson, Byrnes, Murphy, Kathleen Law, Gleason and Leland

Absent: Reps. David Law, Pearce and Hood

Excused: Reps. David Law, Pearce and Hood

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: Tuesday, September 13, 2005

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

Absent: Rep. Lemmons, Jr.

Excused: Rep. Lemmons, Jr.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Drolet, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Tuesday, September 13, 2005

Present: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman and Lipsey

Absent: Rep. Lemmons, III

Excused: Rep. Lemmons, III

Messages from the Senate**House Bill No. 4831, entitled**

A bill to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, the judicial branch, and the legislative branch for the fiscal year ending September 30, 2006; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

The Senate has appointed Senators Johnson, Stamas and Prusi as conferees to join with Representatives Hummel, Pastor and Whitmer.

The bill was referred to the Conference Committee on September 9, 2005.

House Bill No. 4887, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 4, 6, 11, 11a, 11f, 11g, 11j, 18, 19, 20, 20j, 22a, 22b, 22d, 24, 25, 26a, 31a, 31d, 32d, 32j, 39, 39a, 41, 41a, 51a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 98b, 107, 147, 158b, and 164c (MCL 388.1604, 388.1606, 388.1611, 388.1611a, 388.1611f, 388.1611g, 388.1611j, 388.1618, 388.1619, 388.1620, 388.1620j, 388.1622a, 388.1622b, 388.1622d, 388.1624, 388.1625, 388.1626a, 388.1631a, 388.1631d, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1641, 388.1641a, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1657, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1698b, 388.1707, 388.1747, 388.1758b, and 388.1764c), sections 4, 6, 11f, 11g, 11j, 19, 20, 20j, 22a, 22b, 24, 26a, 31d, 32d, 32j, 39a, 41, 41a, 51c, 51d, 53a, 54, 56, 57, 61a, 62, 74, 81, 94a, 98, 107, 147, and 158b as amended and section 22d as added by 2004 PA 351, sections 11 and 51a as amended by 2004 PA 518, section 11a as added by 2003 PA 158, section 18 as amended by 2004 PA 414, section 25 as amended by 2000 PA 297, sections 31a and 98b as amended by 2004 PA 593, section 39 as amended by 2002 PA 191, and section 164c as added by 1995 PA 130, and by adding sections 26b, 32l, 33, 54a, 91, 99a, and 99b; and to repeal acts and parts of acts.

The Senate has appointed Senators Jelinek, Cropsey and Switalski as conferees to join with Representatives Moolenaar, Farhat and Plakas.

The bill was referred to the Conference Committee on September 9, 2005.

Senate Bill No. 264, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has nonconcurrred in the House substitute (H-1) and appointed Senators Brown, Jelinek and Barcia as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Hansen, Walker and Phillips. The message was referred to the Clerk for record.

Senate Bill No. 266, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has nonconcurrred in the House substitute (H-1) and appointed Senators Jelinek, Goschka and Switalski as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Booher, Kooiman and Sak. Pursuant to Joint Rule 3(a), the Senate has appointed Representative Booher as chair of the conference committee. The message was referred to the Clerk for record.

Senate Bill No. 267, entitled

A bill to make appropriations for the department of community health and certain state purposes related to mental health, public health, and medical services for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds; to require and provide for reports; to prescribe the powers and duties of certain local and state agencies and departments; and to provide for disposition of fees and other income received by the various state agencies.

The Senate has nonconcurrred in the House substitute (H-1) and appointed Senators Stamas, George and Cherry as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Caswell, Kahn and Alma Smith. Pursuant to Joint Rule 3(a), the Senate has appointed Representative Caswell as chair of the conference committee. The message was referred to the Clerk for record.

Senate Bill No. 268, entitled

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

The Senate has nonconcurrred in the House substitute (H-1) and appointed Senators Cropsey, Brown and Prusi as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Brandenburg, Pastor and Alma Smith.

Pursuant to Joint Rule 3(a), the Senate has appointed Representative Brandenburg as chair of the conference committee. The message was referred to the Clerk for record.

Senate Bill No. 269, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to prescribe the powers and duties of certain state departments, school districts, and other governmental bodies; and to provide for the disposition of fees and other income received by certain legal entities and state agencies.

The Senate has nonconcurrred in the House substitute (H-1) and appointed Senators Jelinek, Cropsey and Scott as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Moolenaar, Farhat and Plakas. Pursuant to Joint Rule 3(a), the Senate has appointed Representative Moolenaar as chair of the conference committee. The message was referred to the Clerk for record.

Senate Bill No. 270, entitled

A bill to make appropriations for the department of environmental quality for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create certain funds and accounts; to require certain reports; to prescribe the powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators McManus, Goschka and Barcia as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Pastor, Moolenaar and Kolb.

Pursuant to Joint Rule 3(a), the Senate has appointed Representative Pastor as chair of the conference committee.

The message was referred to the Clerk for record.

Senate Bill No. 271, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Hardiman, George and Scott as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Shaffer, Kahn and Kolb.

The message was referred to the Clerk for record.

Senate Bill No. 272, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Garcia, McManus and Switalski as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Acciavatti, Taub and Gonzales.

The message was referred to the Clerk for record.

Senate Bill No. 273, entitled

A bill to make appropriations for the state institutions of higher education and certain state purposes related to education for the fiscal year ending September 30, 2006; to provide for the expenditures of those appropriations; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators Goschka, Johnson and Cherry as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Stewart, Kooiman and Brown.

Pursuant to Joint Rule 3(a), the Senate has appointed Representative Stewart as chair of the conference committee.

The message was referred to the Clerk for record.

Senate Bill No. 274, entitled

A bill to make appropriations for the department of history, arts, and libraries for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the disposition of fees and other income received by the state agencies; to create funds; to provide for the disbursement of certain grants; to provide for reports; to prescribe powers and duties of certain state departments and certain state and local agencies and officers; and to repeal acts and parts of acts.

The Senate has nonconcurred in the House substitute (H-1) and appointed Senators George, McManus and Clarke as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Amos, Taub and Cheeks.

The message was referred to the Clerk for record.

Senate Bill No. 275, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The Senate has nonconcurring in the House substitute (H-1) and appointed Senators Cropsey, Hardiman and Switalski as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Steil, Stewart and Cushingberry.

The message was referred to the Clerk for record.

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The Senate has nonconcurring in the House substitute (H-1) and appointed Senators Garcia, Hardiman and Prusi as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Brandenburg, Amos and Kolb.

The message was referred to the Clerk for record.

Senate Bill No. 277, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The Senate has nonconcurring in the House substitute (H-1) and appointed Senators Brown, Stamas and Clarke as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Caul, Walker and Sak.

The message was referred to the Clerk for record.

Senate Bill No. 278, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

The Senate has nonconcurring in the House substitute (H-1) and appointed Senators McManus, Johnson and Prusi as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Walker, Booher and Williams.

Pursuant to Joint Rule 3(a), the Senate has appointed Representative Walker as chair of the conference committee.

The message was referred to the Clerk for record.

Senate Bill No. 280, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has nonconcurring in the House substitute (H-1) and appointed Senators Brown, Stamas and Clarke as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Caul, Walker and Sak.

The message was referred to the Clerk for record.

Senate Bill No. 281, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

The Senate has nonconcurrent in the House substitute (H-1) and appointed Senators Johnson, Stamas and Barcia as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Taub, Acciavatti and Brown. The message was referred to the Clerk for record.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, September 8, for her approval of the following bill:

Enrolled House Bill No. 4436 at 5:24 p.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, September 8:

Senate Bill Nos. 739 740 741 742 743 744 745 746 747

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Friday, September 9:

House Bill Nos. 5144 5145 5146 5147 5148 5149 5150 5151 5152 5153

House Joint Resolution O

Senate Bill Nos. 748 749

Senate Joint Resolution F

The Clerk announced the enrollment printing and presentation to the Governor on Friday, September 9, for her approval of the following bills:

Enrolled House Bill No. 4465 at 10:50 a.m.

Enrolled House Bill No. 4825 at 10:52 a.m.

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, September 13, for her approval of the following bills:

Enrolled House Bill No. 4071 at 1:52 p.m.

Enrolled House Bill No. 4145 at 1:54 p.m.

Enrolled House Bill No. 4679 at 1:56 p.m.

Enrolled House Bill No. 4915 at 1:58 p.m.

Introduction of Bills

Reps. Palmer, Garfield, Condino, Gosselin, Stahl, Stewart, Schuitmaker, Ball, Acciavatti, Brandenburg, Stakoe, Rocca, Nitz, Baxter, Emmons, Marleau, Hoogendyk, Casperson, Robertson, Proos, Caul, Shaffer, Moolenaar, Walker, Steil, Farhat, Jones, Pearce, Newell, Huizenga, Hildenbrand, Caswell, Elsenheimer, Nofs, Meyer, Bieda and Taub introduced

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 first time by its title and referred to the Committee on Tax Policy.

Reps. Anderson, Lipsey, Alma Smith, Kehrl, Brandenburg, Clack, Condino, Kolb, Murphy, Farrah, Gillard, Brown, Adamini, Plakas, Gleason, Leland, Meisner, Hood, Donigan and Bieda introduced

House Bill No. 5155, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 17207.

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, Lipsey, Alma Smith, Kehrl, Brandenburg, Clack, Condino, Kolb, Murphy, Farrah, Gillard, Brown, Adamini, Plakas, Gleason, Leland, Meisner, Hood, Donigan and Bieda introduced

House Bill No. 5156, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 8107 (MCL 289.8107) and by adding section 8108.

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

Rep. Condino introduced

House Bill No. 5157, entitled

A bill to amend 1957 PA 261, entitled "Michigan legislative retirement system act," by amending sections 75 and 79 (MCL 38.1075 and 38.1079), as amended by 1998 PA 501.

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

Reps. Condino, Bieda, Lipsey, Tobocman, Clemente, Alma Smith, Dillon, Polidori, Wojno, Zelenko, Accavitti, Gillard, Ball, Kolb, Donigan, Vagnozzi, Plakas, Kathleen Law and Leland introduced

House Bill No. 5158, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2476a.

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

Reps. Condino, Bieda, Lipsey, Tobocman, Clemente, Alma Smith, Dillon, Polidori, Wojno, Zelenko, Accavitti, Gillard, Ball, Kolb, Donigan, Vagnozzi, Plakas, Kathleen Law and Leland introduced

House Bill No. 5159, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2236, 2401, and 2601 (MCL 500.2236, 500.2401, and 500.2601), as amended by 2002 PA 664.

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

Reps. Sheltroun, Mayes and Spade introduced

House Bill No. 5160, entitled

A bill to amend 1975 PA 153, entitled "An act to require certain purchasers of fruits and vegetables to deduct and remit marketing fees if authorized by a grower-member of a cooperative marketing association; to prescribe the powers and duties of certain state agencies; and to prescribe means of enforcement and penalties," by amending section 2 (MCL 290.692).

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

Reps. Vander Veen, Taub, Stahl, Huizenga, Virgil Smith, Condino, Gaffney and Accavitti introduced

House Bill No. 5161, 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 164f.

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

Reps. Vander Veen, Taub, Nofs, Stahl, Stakoe, Huizenga, Zelenko, Lipsey, Kathleen Law, Stewart, Gleason and Proos introduced

House Bill No. 5162, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9202.

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

Reps. Hansen, Green and Kolb introduced

House Bill No. 5163, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 162; 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. Robertson, Taub, Marleau, Green, David Law, Gosselin, Shaffer, Nitz, Baxter, Amos, Rocca, Hoogendyk, Gonzales, Garfield, Kahn and Vander Veen introduced

House Bill No. 5164, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2004 PA 173.

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

Reps. Robertson, Taub, Marleau, Green, David Law, Gosselin, Shaffer, Nitz, Baxter, Amos, Rocca, Hoogendyk, Gonzales, Garfield, Kahn and Vander Veen introduced

House Bill No. 5165, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 2 (MCL 205.92), as amended by 2004 PA 172.

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

Reps. Newell, Zelenko, Vander Veen, Murphy, Vagnozzi, Shaffer, Lipsey, Byrum, Clack, Stahl, Meisner, Bieda, Gonzales, Plakas, Gleason and Leland introduced

House Bill No. 5166, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," (MCL 400.701 to 400.737) by adding section 34b; and to repeal acts and parts of acts.

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

Reps. Murphy, Byrum, Zelenko, Kathleen Law, Anderson, Vagnozzi, Bieda, Newell, Vander Veen, Shaffer, Stahl, Lipsey, Meisner, Gonzales, Plakas, Gleason, Leland and Clack introduced

House Bill No. 5167, 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.

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

Reps. Zelenko, Byrum, Murphy, Kathleen Law, Anderson, Vagnozzi, Bieda, Newell, Vander Veen, Shaffer, Leland, Lipsey, Stahl, Meisner, Gonzales, Plakas, Gleason and Clack introduced

House Bill No. 5168, 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.

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

Reps. Nitz, Sheltroun, Vander Veen, Stahl, Hildenbrand, Jones, Baxter and Green introduced

House Bill No. 5169, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 319 and 323c (MCL 257.319 and 257.323c), as amended by 2004 PA 362.

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

Reps. Nitz, Baxter, Sheltroun, Stahl and Leland introduced

House Bill No. 5170, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52.

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

Rep. Wenke introduced

House Bill No. 5171, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 41 (MCL 38.1341), as amended by 2002 PA 94.

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

Reps. Wenke, Nofs, Jones, Ward, Kehrl, Moore, Walker, Bieda, Hildenbrand, Palmer, Tobocman and Kahn introduced **House Bill No. 5172, entitled**

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 6 (MCL 169.206), as amended by 2003 PA 69, and by adding section 48.

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

Reps. Wenke, Nofs, Gosselin, Ball, Jones, Kehrl, Booher and Hildenbrand introduced

House Bill No. 5173, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending sections 43b and 81 (MCL 38.1343b and 38.1381), as amended by 1989 PA 194.

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

Reps. Hoogendyk, Gosselin, Shaffer, Pastor, Vander Veen, Zelenko, Sheen, Jones, Palmer, Baxter, Casperson, Emmons and Pearce introduced

House Bill No. 5174, entitled

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 2 (MCL 409.102), as amended by 1996 PA 438, and by adding section 14b.

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

Rep. Bieda introduced

House Bill No. 5175, entitled

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

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

Reps. Acciavatti, Pavlov, Palsrok, Ward, Hoogendyk, Taub, Brandenburg, Amos, Vander Veen, Robertson, Hummel, Gosselin, Walker, Stahl, Shaffer, Elsenheimer, Casperson, Huizenga, Proos, Moolenaar, Caswell, Schuitmaker, Booher, Caul, Moore, Jones, Kahn, Farhat, Hansen, Pearce, Nofs, David Law, Green, Marleau, Mortimer, Emmons, Kooiman, Pastor, Ball, Rocca and Hildenbrand introduced

House Bill No. 5176, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 11526e.

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. Pavlov, Palsrok, Acciavatti, Kahn, Ward, Hoogendyk, Taub, Amos, Vander Veen, Robertson, Hummel, Gosselin, Walker, Stahl, Shaffer, Elsenheimer, Casperson, Huizenga, Proos, Moolenaar, Caswell, Schuitmaker, Booher, Caul, Moore, Jones, Farhat, Hansen, Pearce, Nofs, David Law, Green, Marleau, Mortimer, Emmons, Kooiman, Pastor, Rocca, Ball and Hildenbrand introduced

House Bill No. 5177, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11549 (MCL 324.11549).

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. Palsrok, Pavlov, Acciavatti, Kahn, Ward, Hoogendyk, Brandenburg, Taub, Amos, Vander Veen, Robertson, Hummel, Gosselin, Walker, Stahl, Shaffer, Elsenheimer, Casperson, Huizenga, Proos, Moolenaar, Caswell, Schuitmaker, Booher, Caul, Farhat, Hansen, Pearce, Moore, Jones, Nofs, David Law, Green, Marleau, Mortimer, Emmons, Kooiman, Pastor, Rocca and Ball introduced

House Bill No. 5178, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

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. Drolet, Stakoe, Gosselin, Schuitmaker, Ball, Rocca, Palmer, Farhat, Ward and Hoogendyk introduced
House Joint Resolution P, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 2 of article X, to restrict the power of state or local government to take private property by eminent domain for the primary benefit of private entities.

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

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

House Bill No. 5030, entitled

A bill to amend 1972 PA 348, entitled "An act to regulate relationships between landlords and tenants relative to rental agreements for rental units; to regulate the payment, repayment, use and investment of security deposits; to provide for commencement and termination inventories of rental units; to provide for termination arrangements relative to rental units; to provide for legal remedies; and to provide penalties," by amending section 11 (MCL 554.611).

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5039, entitled

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201), as amended by 2002 PA 22.

The bill was read a second time.

Rep. Casperson 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. 5028, entitled

A bill to create and provide for the operation of the Michigan port authority; to provide for the creation and appointment of a board to govern the authority and to prescribe its powers and duties; to provide for the powers and duties of the authority; to extend protections against certain liabilities to the authority; to provide for the issuance of certain bonds, notes, and other obligations; to facilitate the use and development of authority property and port facilities; to promote economic growth; to exempt property, income, and operations of an authority from tax; and to provide an appropriation.

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

Roll Call No. 400

Yeas—108

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	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
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

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.

Second Reading of Bills

House Bill No. 5029, entitled

A bill to amend 1978 PA 639, entitled “Hertel-Law-T. Stopczynski port authority act,” by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

(The bill was considered on Third Reading of Bills, vote reconsidered by which the House placed the bill on the order of Third Reading of Bills, amendments withdrawn and bill postponed for the day on September 8, see House Journal No. 74, p. 1332.)

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5029, entitled

A bill to amend 1978 PA 639, entitled “Hertel-Law-T. Stopczynski port authority act,” by amending sections 2, 4, 8, 9, 12, 13, 14, 15, 16, 18, 22, 23, and 24 (MCL 120.102, 120.104, 120.108, 120.109, 120.112, 120.113, 120.114, 120.115, 120.116, 120.118, 120.122, 120.123, and 120.124), sections 14 and 18 as amended by 2002 PA 412 and section 23 as amended by 1984 PA 256, and by adding sections 1a, 1b, 7a, 18a, 31, and 32; and to repeal acts and parts of acts.

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

Roll Call No. 401**Yeas—107**

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Schuitmaker
Amos	Farhat	Lipsey	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayes	Sheltrown
Ball	Gillard	McConico	Smith, Alma
Baxter	Gleason	McDowell	Smith, Virgil
Bennett	Gonzales	Meisner	Spade
Bieda	Gosselin	Meyer	Stahl
Booher	Green	Miller	Stakoe
Brandenburg	Hansen	Moolenaar	Steil
Brown	Hildenbrand	Moore	Stewart
Byrnes	Hoogendyk	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	Kehrl	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen	Robertson	

Nays—1

Garfield

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.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4402, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1230 and 1230a (MCL 380.1230 and 380.1230a), section 1230 as amended by 1993 PA 284 and section 1230a as added by 1995 PA 83, and by adding section 1230c.

(The bill was received from the Senate on August 31, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1230.)

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

Rep. Palmer moved to amend the Senate substitute (S-1) as follows:

1. Amend page 7, line 11, after “**NOTICE**” by inserting “**FROM AN AUTHORITATIVE SOURCE**”.

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

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

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

Roll Call No. 402

Yeas—108

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	Mayes	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	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
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the title as amended.



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

The Speaker laid before the House
House Bill No. 4928, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1535a and 1539b (MCL 380.1535a and 380.1539b), as amended by 2004 PA 51.

(The bill was received from the Senate on August 31, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1230.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Palmer moved to amend the Senate substitute (S-2) as follows:

1. Amend page 2, line 1, after “**1230A**” by inserting “**OR 1230G**”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.
The question being on concurring in the substitute (S-2) made to the bill by the Senate,

Rep. Palmer moved to amend the Senate substitute (S-2) as follows:

1. Amend page 12, line 15, by striking out all of subsection (15) and inserting:

“(15) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008. IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED OF THAT CONVICTION.”.

2. Amend page 23, line 27, by striking out all of subsection (15) and inserting:

“(15) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL WORK WITH THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE TO DEVELOP AND IMPLEMENT AN AUTOMATED PROGRAM THAT DOES A COMPARISON OF THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL WITH THE CONVICTION INFORMATION RECEIVED BY THE DEPARTMENT OF STATE POLICE. UNLESS OTHERWISE PROHIBITED BY LAW, THIS COMPARISON SHALL INCLUDE CONVICTIONS CONTAINED IN A NONPUBLIC RECORD. THE DEPARTMENT AND THE DEPARTMENT OF STATE POLICE SHALL PERFORM THIS COMPARISON DURING JANUARY AND JUNE OF EACH YEAR UNTIL JULY 1, 2008. IF A COMPARISON DISCLOSES THAT A PERSON ON THE DEPARTMENT’S LIST OF INDIVIDUALS HOLDING A TEACHING CERTIFICATE OR STATE BOARD APPROVAL HAS BEEN CONVICTED OF A CRIME, THE DEPARTMENT SHALL NOTIFY THE SUPERINTENDENT OR CHIEF ADMINISTRATOR AND THE BOARD OR GOVERNING BODY OF THE SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL IN WHICH THE PERSON IS EMPLOYED OF THAT CONVICTION.”.

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

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 403

Yeas—105

Accavitti	Emmons	Lemmons, III	Rocca
Acciavatti	Espinoza	Lemmons, Jr.	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayes	Sheen
Angerer	Garfield	McConico	Sheltrown
Ball	Gillard	McDowell	Smith, Alma
Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Gosselin	Miller	Stahl
Booher	Green	Moolenaar	Stakoe
Brandenburg	Hansen	Moore	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hoogendyk	Murphy	Taub

Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lemmons, Jr.	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer
Angerer	Gaffney	Marleau	Sheen
Ball	Garfield	Mayes	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	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
Cushingberry	Kehrl	Pavlov	Wenke
DeRoche	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko

Nays—0

In The Chair: Kooiman

The House agreed to the full title of the bill.

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

The Speaker laid before the House
House Bill No. 4932, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," (MCL 28.721 to 28.732) by amending the title, as amended by 2004 PA 237, and by adding headings for articles I and II and by adding article III.

(The bill was received from the Senate on August 31, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1231.)

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

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

Roll Call No. 405

Yeas—102

Accavitti	Elsenheimer	Lemmons, III	Rocca
Acciavatti	Emmons	Lemmons, Jr.	Sak

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

Nays—5

Drolet	Kolb	Lipsev	Tobocman
Garfield			

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.

The Speaker laid before the House

House Bill No. 4934, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 9 (MCL 28.725 and 28.729), section 5 as amended by 2004 PA 240 and section 9 as amended by 2004 PA 237.

(The bill was received from the Senate on August 31, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1231.)

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

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

Roll Call No. 406**Yeas—107**

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Schuitmaker
Amos	Farhat	Lipsev	Shaffer

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

Nays—0

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.

The Speaker laid before the House

House Bill No. 4936, 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 section 5 (MCL 722.115), as amended by 2004 PA 315, and by adding sections 5c, 5d, and 5e.

(The bill was received from the Senate on August 31, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1231.)

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

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

Roll Call No. 407

Yeas—106

Accavitti	Emmons	Lemmons, III	Rocca
Acciavatti	Espinoza	Lemmons, Jr.	Sak
Adamini	Farhat	Lipsey	Schuitmaker
Amos	Farrah	Marleau	Shaffer
Anderson	Gaffney	Mayes	Sheen
Angerer	Garfield	McConico	Sheltrown
Ball	Gillard	McDowell	Smith, Alma

Baxter	Gleason	Meisner	Smith, Virgil
Bennett	Gonzales	Meyer	Spade
Bieda	Gosselin	Miller	Stahl
Booher	Green	Moolenaar	Stakoe
Brandenburg	Hansen	Moore	Steil
Brown	Hildenbrand	Mortimer	Stewart
Byrnes	Hoogendyk	Murphy	Taub
Byrum	Hopgood	Newell	Tobocman
Casperson	Huizenga	Nitz	Vagnozzi
Caswell	Hummel	Nofs	Van Regenmorter
Caul	Hune	Palmer	Vander Veen
Cheeks	Hunter	Palsrok	Walker
Clack	Jones	Pastor	Ward
Clemente	Kehrl	Pavlov	Waters
Condino	Kolb	Pearce	Wenke
Cushingberry	Kooiman	Plakas	Whitmer
DeRoche	LaJoy	Polidori	Williams
Dillon	Law, David	Proos	Wojno
Donigan	Law, Kathleen	Robertson	Zelenko
Elsenheimer	Leland		

Nays—1

Drolet

In The Chair: Kooiman

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

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

The Speaker laid before the House

House Bill No. 4937, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27a to chapter VIII.

(The bill was received from the Senate on August 31, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1231.)

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

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

Roll Call No. 408**Yeas—106**

Accavitti	Elsenheimer	Leland	Robertson
Acciavatti	Emmons	Lemmons, III	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, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hoogendyk	Murphy	Tobocman
Casperson	Hopgood	Newell	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kehrl	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen		

Nays—0

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.

The Speaker laid before the House

House Bill No. 4958, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15g of chapter XVII (MCL 777.15g), as added by 2002 PA 206.

(The bill was received from the Senate on August 31, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1232.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 409

Yeas—107

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Schuitmaker
Amos	Farhat	Lipsey	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayes	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil

Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hoogendyk	Murphy	Tobocman
Casperson	Hopgood	Newell	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kehrl	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen	Robertson	

Nays—0

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.

The Speaker laid before the House

House Bill No. 4991, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled “An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act,” by amending section 1 of article IV (MCL 38.101), as amended by 1993 PA 60.

(The bill was received from the Senate on August 31, with substitute (S-1) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until September 6, see House Journal No. 71, p. 1232.)

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

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

Roll Call No. 410**Yeas—107**

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Schuitmaker
Amos	Farhat	Lipsey	Shaffer
Anderson	Farrah	Marleau	Sheen
Angerer	Gaffney	Mayes	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe

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

Nays—0

In The Chair: Kooiman

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

Senate Bill No. 601, entitled

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 1230a (MCL 380.1230a), as added by 1995 PA 83.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 6, line 15, after “(10)” by striking out “**EXCEPT AS PROVIDED IN SUBSECTION (11),**”.
2. Amend page 7, line 8, by striking out all of subsection (11) and renumbering the remaining subsection.

The Senate has concurred in the House substitute (H-1) as amended, ordered that the bill be given immediate effect and agreed to the title as amended.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the amendments to the House substitute (H-1) 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. 411

Yeas—107

Accavitti	Elsenheimer	Leland	Rocca
Acciavatti	Emmons	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Schuitmaker
Amos	Farhat	Lipsey	Shaffer
Anderson	Farrah	Marleau	Sheen

Angerer	Gaffney	Mayes	Sheltrown
Ball	Garfield	McConico	Smith, Alma
Baxter	Gillard	McDowell	Smith, Virgil
Bennett	Gleason	Meisner	Spade
Bieda	Gonzales	Meyer	Stahl
Booher	Gosselin	Miller	Stakoe
Brandenburg	Green	Moolenaar	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hoogendyk	Murphy	Tobocman
Casperson	Hopgood	Newell	Vagnozzi
Caswell	Huizenga	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Cheeks	Hune	Palmer	Walker
Clack	Hunter	Palsrok	Ward
Clemente	Jones	Pastor	Waters
Condino	Kehrl	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
DeRoche	Kooiman	Plakas	Williams
Dillon	LaJoy	Polidori	Wojno
Donigan	Law, David	Proos	Zelenko
Drolet	Law, Kathleen	Robertson	

Nays—0

In The Chair: Kooiman

House Bill No. 4834, entitled

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

The Senate has substituted (S-8) the bill.

The Senate has passed the bill as substituted (S-8) and ordered that it be given immediate effect.

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

Rep. Ward 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-8) made to the bill by the Senate,

The substitute (S-8) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 412**Yeas—48**

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

Nays—59

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

In The Chair: Kooiman

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

Messages from the Governor

Date: September 12, 2005

Time: 2:04 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4702 (Public Act No. 104, I.E.), being

An act to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending section 3 (MCL 722.673), as amended by 2003 PA 192.

(Filed with the Secretary of State September 13, 2005, at 10:22 a.m.)

Date: September 12, 2005

Time: 2:20 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4703 (Public Act No. 105, I.E.), being

An act to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by amending the title, as amended by 1991 PA 56, and by adding section 143a.

(Filed with the Secretary of State September 13, 2005, at 10:24 a.m.)

Rep. Hildenbrand moved that the House adjourn.
The motion prevailed, the time being 4:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 14, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

