

No. 62
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House of Representatives
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House Chamber, Lansing, Thursday, June 30, 2005.

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	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—present	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—excused	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—present	Kehrl—present	Pearce—present	Wenke—present
DeRoche—present	Kolb—present	Phillips—present	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		

Rep. Andy Meisner, from the 27th District, offered the following invocation:

“Our God and God of our ancestors: we ask Your blessings for our country, for our veterans and active military fighting to defend our country, for our Government, its leaders and advisors, and for all who exercise just and rightful authority.

Teach them insights of Your Torah, that they may administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our state and our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your prophet: ‘Nation shall not lift up sword against nation, neither shall they experience war any more.’

And let us say: Amen.”

Messages from the Senate

The Senate requested the return of

Senate Bill No. 513, entitled

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m, 509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q, 168.509gg, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 500b as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297, and by adding sections 302a and 509hh.”

(The bill was received from the Senate on June 28, with amendments to the House substitute (H-1), consideration of which, under the rules, was postponed until June 29, see House Journal No. 60, p. 985.)

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

Rep. Ward moved that the request of the Senate be granted.

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Rocca, Chair, reported

Senate Bill No. 257, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

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. Rocca, Jones, Gaffney, Wojno, McDowell, Virgil Smith and Lemmons, III

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: Thursday, June 30, 2005

Present: Reps. Rocca, Jones, Gaffney, Wojno, McDowell, Virgil Smith and Lemmons, III

Absent: Reps. Van Regenmorter and Palsrok

Excused: Rep. Palsrok

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Casperson, Shaffer, Emmons, Robertson, Moore, Ball, Caul, Cushingberry, Elsenheimer, Farhat, Green, Jones, LaJoy, Lemmons, III, Lemmons, Jr., Marleau, Mortimer, Pastor, Polidori, Proos and Sheltroun offered the following resolution:

House Resolution No. 106.

A resolution to memorialize the Congress of the United States to make proceeds from all games of chance operated by 501(c) charitable organizations tax exempt.

Whereas, Charitable, philanthropic, and mutually beneficial organizations operating as tax exempt entities under section 501(c) of the Internal Revenue Code contribute to our society in a host of ways. These groups enrich community life, encourage high standards of citizenship, and meet needs that are outside the realm of governmental ability or responsibility. Clearly, state and federal tax policy is designed to help foster this component of our national character; and

Whereas, The Internal Revenue Code provides a variety of tax exemptions for groups commonly referred to as "501(c) organizations." These include exemptions for proceeds from bingo games that meet certain specified standards. This fundraising tool, in particular, is a revenue lifeblood for many groups. Other types of games, however, are not exempt and this inconsistency is harmful. Since many of these groups do not realize that their fundraising activities may be taxable, these organizations may unknowingly be breaking the law. Considerable confusion can surround the reporting requirements even for groups that understand the law and make every effort to be in compliance; and

Whereas, Most importantly, groups committed to service within our society utilize games of chance as a major source of financial support to enable them to carry out worthwhile projects. This service should be encouraged as much as possible, and not be restricted by the vagaries of the Internal Revenue Code. Indeed, the more clarity brought to the often baffling tax provisions involving tax-exempt organizations, the better for society; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to amend the Internal Revenue Code to make proceeds from all games of chance conducted by 501(c) organizations tax exempt; and be it further

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

The resolution was referred to the Committee on Government Operations.

Senate Bill No. 522, entitled

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

(The bill was passed on June 28, see House Journal No. 60, p. 989; motion made to reconsider the vote by which the House passed the bill and motion postponed for the day on June 29, see House Journal No. 61, p. 1108.)

(For first notice, see House Journal No. 60, p. 1033.)

The question being on the motion made previously by Rep. Ward, Rep. Ward withdrew the motion.

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

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

Senate Bill No. 551, entitled

A bill to amend 2004 PA 591, entitled "An act to amend 1991 PA 179, entitled "An act to regulate and insure the availability of certain telecommunication services; to prescribe the powers and duties of certain state agencies and officials; to prescribe penalties; to repeal certain acts and parts of acts; and to repeal this act on a specific date," by amending section 213 (MCL 484.2213), as amended by 2000 PA 295; and to repeal acts and parts of acts," by repealing enacting section 1.

(The bill was passed on June 28, see House Journal No. 60, p. 993; motion made to reconsider the vote by which the House passed the bill and motion postponed for the day on June 29, see House Journal No. 61, p. 1108.)

(For first notice, see House Journal No. 60, p. 1033.)

The question being on the motion made previously by Rep. Ward,

Rep. Ward withdrew the motion.

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**Senate Bill No. 257, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

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

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

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

The motion prevailed.

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

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

Rep. Hildenbrand moved that Rep. DeRoche be excused temporarily from today's session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 257, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 531 (MCL 436.1531), as amended by 2004 PA 191.

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

Roll Call No. 326**Yeas—102**

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

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

Nays—6

Gosselin	Newell	Stahl	Van Regenmorter
Hoogendyk	Pearce		

In The Chair: Kooiman

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

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

A bill to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending sections 525, 531, and 543 (MCL 436.1525, 436.1531, and 436.1543), section 525 as amended by 2004 PA 266 and sections 531 and 543 as amended by 2004 PA 191.

The motion prevailed.

The House agreed to the title as amended.

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

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

Quorum Call

Rep. Waters questioned the presence of a quorum and moved that the roll be called and printed in the Journal.

The motion prevailed.

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

The following is the roll call:

Roll Call No. 327**Yeas—96**

Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Garfield	Lipsey	Sak

Amos	Gillard	Marleau	Shaffer
Anderson	Gonzales	Mayes	Sheen
Angerer	Gosselin	McConico	Sheltrown
Ball	Green	McDowell	Smith, Virgil
Baxter	Hansen	Meisner	Spade
Bennett	Hildenbrand	Meyer	Stahl
Bieda	Hood	Miller	Stakoe
Booher	Hoogendyk	Moolenaar	Steil
Brandenburg	Hopgood	Moore	Stewart
Brown	Huizenga	Murphy	Taub
Byrnes	Hummel	Newell	Tobocman
Casperson	Hune	Nitz	Vagnozzi
Caswell	Hunter	Palmer	Van Regenmorter
Caul	Jones	Palsrok	Vander Veen
Clack	Kahn	Pastor	Walker
Clemente	Kehrl	Pavlov	Ward
Cushingberry	Kolb	Pearce	Waters
Donigan	Kooiman	Phillips	Wenke
Drolet	LaJoy	Plakas	Whitmer
Elsenheimer	Law, Kathleen	Polidori	Williams
Emmons	Leland	Proos	Wojno
Espinoza	Lemmons, III	Robertson	Zelenko

In The Chair: Kooiman

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

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

The Speaker laid before the House

House Bill No. 4465, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 40111b.

(The bill was received from the Senate on June 29, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 61, p. 1051.)

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. 328

Yeas—100

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

Byrnes	Huizenga	Murphy	Tobocman
Casperson	Hummel	Newell	Vagnozzi
Caswell	Hunter	Nitz	Van Regenmorter
Caul	Jones	Palsrok	Vander Veen
Clack	Kahn	Pastor	Walker
Clemente	Kehrl	Pavlov	Ward
Condino	Kolb	Pearce	Waters
Cushingberry	Kooiman	Phillips	Wenke
DeRoche	LaJoy	Plakas	Whitmer
Dillon	Law, David	Polidori	Williams
Donigan	Law, Kathleen	Proos	Wojno
Emmons	Leland	Robertson	Zelenko

Nays—8

Drolet	Gosselin	Hune	Palmer
Elsenheimer	Hoogendyk	Nofs	Sheen

In The Chair: Kooiman

The House agreed to the title as amended.

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

Rep. Ward moved that Reps. DeRoche, Huizenga, Sheen and Moolenaar be excused temporarily from today's session.

The motion prevailed.

The Speaker laid before the House

House Bill No. 4541, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 518, 525, and 537 (MCL 436.1518, 436.1525, and 436.1537), section 518 as added by 2002 PA 725, section 525 as amended by 2004 PA 266, and section 537 as amended by 2001 PA 223.

(The bill was received from the Senate on June 29, with an amendment, full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 61, p. 1051.)

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 329**Yeas—101**

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

Byrum	Hoogendyk	Mortimer	Tobocman
Casperson	Hopgood	Murphy	Vagnozzi
Caswell	Hummel	Newell	Vander Veen
Caul	Hune	Nitz	Walker
Clack	Hunter	Palmer	Ward
Clemente	Jones	Palsrok	Waters
Condino	Kahn	Pastor	Wenke
Cushingberry	Kehrl	Pavlov	Whitmer
Dillon	Kolb	Phillips	Williams
Donigan	Kooiman	Plakas	Wojno
Drolet	LaJoy	Polidori	Zelenko
Elsenheimer			

Nays—4

Nofs	Pearce	Stahl	Van Regenmorter
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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. 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, 31a, 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 bill was received from the Senate on June 29, with substitute (S-2) and title amendment, consideration of which, under the rules, was postponed until today, see House Journal No. 61, p. 1051.)

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

The substitute (S-2) was not concurred in, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 330

Yeas—0

Nays—99

Accavitti	Espinoza	Law, Kathleen	Sak
Acciavatti	Farhat	Leland	Schuitmaker
Amos	Farrah	Lipsey	Shaffer
Anderson	Gaffney	Marleau	Sheltrown
Angerer	Garfield	Mayes	Smith, Alma
Ball	Gillard	McConico	Smith, Virgil
Baxter	Gleason	McDowell	Spade
Bieda	Gonzales	Meisner	Stahl

Booher	Gosselin	Meyer	Stakoe
Brandenburg	Green	Miller	Steil
Brown	Hansen	Moore	Stewart
Byrnes	Hildenbrand	Mortimer	Taub
Byrum	Hood	Murphy	Tobocman
Casperson	Hoogendyk	Newell	Vagnozzi
Caswell	Hopgood	Nitz	Van Regenmorter
Caul	Hummel	Nofs	Vander Veen
Clack	Hune	Palmer	Walker
Clemente	Hunter	Palsrok	Ward
Condino	Jones	Pastor	Waters
Cushingberry	Kahn	Pavlov	Wenke
Dillon	Kehrl	Pearce	Whitmer
Donigan	Kolb	Polidori	Williams
Drolet	Kooiman	Proos	Wojno
Elsenheimer	LaJoy	Robertson	Zelenko
Emmons	Law, David	Rocca	

In The Chair: Kooiman

Second Reading of Bills

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

The bill was read a second time.

Rep. Ward 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

Senate Bill No. 193, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8117 (MCL 600.8117), as amended by 1997 PA 161.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4825, entitled

A bill to amend 1982 PA 249, entitled "An act to establish the state children's trust fund in the department of treasury; and to provide certain powers and duties of the department of treasury with respect to the trust fund," by amending section 1 (MCL 21.171), as amended by 2002 PA 1.

The Senate has amended the bill as follows:

1. Amend page 2, line 13, after "earnings" by inserting a comma and "**LESS UNREALIZED GAINS AND LOSSES,**".

The Senate has passed the bill as amended 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 amendment made to the bill by the Senate,

Rep. Murphy moved to amend the Senate amendment as follows:

1. Amend Senate Amendment No. 1, page 2, line 13, after “and” by striking out “**LESS**” and inserting “**EXCLUDING**”.

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

The question being on concurring in the amendment made to the bill by the Senate,

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

Roll Call No. 331

Yeas—105

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

Nays—0

In The Chair: Kooiman

Second Reading of Bills

Senate Bill No. 335, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 17a.

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

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

Rep. Ward 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.

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

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

Senate Bill No. 335, entitled

A bill to amend 1973 PA 116, entitled “An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,” (MCL 722.111 to 722.128) by adding section 17a.

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

Roll Call No. 332

Yeas—108

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

Senate Bill No. 72, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” (MCL 380.1 to 380.1852) by adding section 1304.
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. Clack moved to amend the bill as follows:

1. Amend page 1, line 6, after “OPERATES.” by inserting “SCHOOL OFFICIALS ARE ENCOURAGED TO PROVIDE COPIES OF THE PLEDGE OF ALLEGIANCE FOR THE PURPOSES OF THIS SUBSECTION.”.

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

Reps. Drolet and Tobocman moved to amend the bill as follows:

1. Amend page 1, line 4, after “UNITED” by striking out “STATES IS” and inserting “STATES, THE NATIONAL ANTHEM, OTHER HISTORIC TEXTS OR DOCUMENTS OR ANY OTHER DISPLAYS OF PATRIOTISM THAT REFLECT OUR SHARED AMERICAN HERITAGE ARE”.

2. Amend page 1, line 10, after “STATES” by striking out “OR THE NATIONAL ANTHEM, OR BOTH,” and inserting “THE NATIONAL ANTHEM, OTHER HISTORIC TEXTS OR DOCUMENTS OR ANY OTHER DISPLAYS OF PATRIOTISM THAT REFLECT OUR SHARED AMERICAN HERITAGE OR ANY COMBINATION THEREOF,”.

The question being on the adoption of the amendments offered by Reps. Drolet and Tobocman,

Rep. Drolet demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Reps. Drolet and Tobocman,

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

The motion prevailed.

Senate Bill No. 170, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g, 16m, and 16s of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, 777.16m, and 777.16s), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, and section 16s of chapter XVII as amended by 2004 PA 519.

The bill was read a second time.

Rep. Ward 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

Senate Bill No. 170, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1a of chapter IV, section 16a of chapter IX, section 22 of chapter XVI, and sections 15g, 16m, and 16s of chapter XVII (MCL 764.1a, 769.16a, 776.22, 777.15g, 777.16m, and 777.16s), section 1a of chapter IV as amended by 1994 PA 70, section 16a of chapter IX as amended by 2004 PA 220, section 22 of chapter XVI as amended by 2001 PA 194, section 15g of chapter XVII as added by 2002 PA 206, section 16m of chapter XVII as amended by 2001 PA 166, and section 16s of chapter XVII as amended by 2004 PA 519.

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

Roll Call No. 333

Yeas—107

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

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

Nays—2

Smith, Virgil

Vander Veen

In The Chair: Kooiman

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

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

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 4803, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

The bill was read a second time.

Rep. Gaffney 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. 4803, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

The bill was read a third time.

The question being on the passage of the bill,

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

The motion prevailed.

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

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

House Bill No. 4916, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

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

House Bill No. 4917, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

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

Senate Bill No. 252, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," by amending section 14 (MCL 125.284).

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported
Senate Bill No. 253, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," by amending section 9 (MCL 125.209), as amended by 2000 PA 385.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Nays: None

The Committee on Local Government and Urban Policy, by Rep. Stakoe, Chair, reported
Senate Bill No. 254, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

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. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

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: Thursday, June 30, 2005

Present: Reps. Stakoe, Elsenheimer, Robertson, Nitz, Baxter, Schuitmaker, Tobocman, Donigan and Vagnozzi

Absent: Reps. Van Regenmorter and Accavitti

Excused: Reps. Van Regenmorter and Accavitti

The Committee on Commerce, by Rep. Huizenga, Chair, reported
House Bill No. 5005, entitled

A bill to create the 21st century jobs fund authority; to create a board; to create funds and accounts; to prescribe the powers and duties of the authority; to create and operate certain programs; and to make loans and investments.

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

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Huizenga, Chair, of the Committee on Commerce, was received and read:
Meeting held on: Thursday, June 30, 2005

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

Absent: Rep. Accavitti

Excused: Rep. Accavitti

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4803, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

(The bill was considered earlier today, see today's Journal p. 1135.)

The question being on the passage of the bill,

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

Roll Call No. 334**Yeas—69**

Acciavatti	Farrah	Lemmons, III	Robertson
Amos	Gaffney	Lemmons, Jr.	Rocca
Ball	Garfield	Marleau	Sak
Baxter	Gillard	McConico	Schuitmaker
Bennett	Gleason	McDowell	Shaffer
Booher	Gonzales	Meyer	Sheen
Brandenburg	Gosselin	Moolenaar	Sheltrown
Brown	Green	Moore	Smith, Virgil
Casperson	Hansen	Mortimer	Stahl
Caul	Hildenbrand	Newell	Steil
Clack	Huizenga	Nofs	Taub
Clemente	Hummel	Palmer	Vander Veen
Cushingberry	Hune	Palsrok	Walker
DeRoche	Jones	Pavlov	Ward
Drolet	Kahn	Pearce	Waters
Elsenheimer	Kooiman	Polidori	Wenke
Emmons	Law, David	Proos	Zelenko
Espinoza			

Nays—40

Accavitti	Donigan	Leland	Smith, Alma
Adamini	Farhat	Lipsey	Spade
Anderson	Hood	Mayes	Stakoe
Angerer	Hoogendyk	Meisner	Stewart
Bieda	Hopgood	Miller	Tobocman
Byrnes	Hunter	Murphy	Vagnozzi
Byrum	Kehrl	Nitz	Van Regenmorter
Caswell	Kolb	Pastor	Whitmer
Condino	LaJoy	Phillips	Williams
Dillon	Law, Kathleen	Plakas	Wojno

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

Senate Bill No. 348, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

Rep. Sheen moved to substitute (H-2) the bill.

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

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

The motion prevailed.

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

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 348, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 51 (MCL 211.51), as amended by 1992 PA 97.

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

Roll Call No. 335

Yeas—108

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

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

Nays—0

In The Chair: Kooiman

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

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

A bill to amend 1893 PA 206, entitled “An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts,” by amending section 51 (MCL 211.51), as amended by 2005 PA 24.

The motion prevailed.

The House agreed to the title as amended.

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. 4916, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

The bill was read a second time.

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

The motion prevailed.

Rep. 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. 4916, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 10 (MCL 125.2690), as amended by 2000 PA 259.

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

Roll Call No. 336**Yeas—109**

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

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. 4917, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

The bill was read a second time.

Rep. Tobocman 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. 4917, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7ff (MCL 211.7ff), as amended by 1998 PA 498.

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

Roll Call No. 337

Yeas—109

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

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

Motions and Resolutions

Rep. Ward moved to suspend that portion of Rule 44 requiring bills to be handed to the Clerk three hours prior to calling the House to order.

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

Rep. Lemmons, Jr. moved that the Committee on Employment Relations, Training, and Safety be discharged from further consideration of **House Bill No. 4516**.

(For first notice see House Journal No. 61, p. 1120.)

The question being on the motion made by Rep. Lemmons, Jr.,

Rep. Lemmons, Jr. demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Lemmons, Jr.,

The motion prevailed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 338**Yeas—109**

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

Nays—0

In The Chair: Kooiman

Rep. Ward moved that Rule 45(c) be suspended.

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

The bill was placed on the order of Second Reading of Bills.

Rep. Ward moved that pursuant to House Rule 20, the Clerk of the House be authorized to enroll House bills while the House is not in session.

The motion prevailed.

The Clerk announced that the following Senate bills had been received on Thursday, June 30:

Senate Bill Nos.	34	129	247	351	540	599	601	605	606	607	608	609	610	611
	612	613	614	615										

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 4275, 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 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. 4826, entitled

A bill to amend 1982 PA 250, entitled "Child abuse and neglect prevention act," by amending section 4 (MCL 722.604).

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.

Senate Bill No. 34, entitled

A bill to provide for the establishment of a corridor improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas in the districts; to promote the economic growth of the districts; to create a board; to prescribe the powers and duties of the board; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to prescribe powers and duties of certain state officials; to provide for rule promulgation; and to provide for enforcement of the act.

The Senate has passed the bill.

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

Senate Bill No. 129, 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 1998 PA 520.

The Senate has passed the bill.

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

Senate Bill No. 247, 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.

The Senate has passed the bill.

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

Senate Bill No. 351, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2004 PA 97, and by adding section 16322 and part 165.

The Senate has passed the bill.

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

Senate Bill No. 540, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2002 PA 4.

The Senate has passed the bill.

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

Senate Bill No. 599, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as amended by 2003 PA 249.

The Senate has passed the bill.

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

Senate Bill No. 601, 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 sections 1230c and 1230e.

The Senate has passed the bill.

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

Senate Bill No. 605, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2004 PA 112.

The Senate has passed the bill.

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

Senate Bill No. 606, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11b of chapter XVII (MCL 777.11b), as amended by 2004 PA 150.

The Senate has passed the bill.

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

Senate Bill No. 607, 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 Senate has passed the bill.

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

Senate Bill No. 608, 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 Senate has passed the bill.

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

Senate Bill No. 609, 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 sections 1 and 3 of article IV (MCL 38.101 and 38.103), as amended by 1993 PA 60, and by adding section 1a to article IV.

The Senate has passed the bill.

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

Senate Bill No. 610, 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 Senate has passed the bill.

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

Senate Bill No. 611, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13p of chapter XVII (MCL 777.13p), as amended by 2004 PA 418.

The Senate has passed the bill.

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

Senate Bill No. 612, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1230d.

The Senate has passed the bill.

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

Senate Bill No. 613, 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 Senate has passed the bill.

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

Senate Bill No. 614, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding sections 5d and 5e.

The Senate has passed the bill.

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

Senate Bill No. 615, 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, 5f, and 5g.

The Senate has passed the bill.

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

House Concurrent Resolution No. 18.

A concurrent resolution to amend the Joint Rules of the Senate and House of Representatives.

(For text of concurrent resolution, see House Journal No. 61, p. 1105.)

The Senate has adopted the concurrent resolution and named Senators Cherry, Kuipers and Switalski as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

By unanimous consent the House returned to the order of

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

House Resolution No. 107.

A resolution honoring Dan Wyant, Director of the Michigan Department of Agriculture.

Whereas, Dan Wyant has served as the Director of the Michigan Department of Agriculture (MDA) since October of 1996; and

Whereas, Dan has brought a vast and diverse agricultural background to the post, having been raised on a Cass County farm and participating in FFA and 4-H. He received his bachelor's degree in food systems management from

Michigan State University and a master's degree in business administration from American University in Washington, D.C. He worked in the private sector as a marketing manager at Ralston Purina Company and as an export trade consultant at Lowe's International; and

Whereas, Dan Wyant began his public sector career in the Senate Republican Majority Office. He then served as the Legislative Liaison for the Michigan Department of Agriculture and worked as Associate Director of Governor John Engler's Office of Legislative Affairs, prior to returning to MDA as Director; and

Whereas, Dan's agricultural background and expertise, coupled with his sound business sense and congenial and inclusive problem-solving style, have made him a true industry leader. He is well-known and respected throughout the agricultural community, in the legislative arena, by his state colleagues, and by his national peers; and

Whereas, With Dan at the helm, the Michigan Department of Agriculture employees have fostered a deep commitment to responsiveness, collaboration, innovation, and excellence that have been instrumental in addressing and resolving a wide array of food and agriculture industry challenges. This includes bovine tuberculosis, emerald ash borer, and other animal and plant health and disease issues, the most comprehensive overhaul of Michigan's food safety laws and programs in a generation, the creation of effective and proactive agriculture pollution prevention programs, and the formation of pioneering agricultural economic development initiatives; and

Whereas, Dan has placed top priorities on ensuring food safety and security, promoting and enhancing environmental stewardship, protecting animal and plant health, ensuring consumer protection, creating viable agriculture development opportunities, and integrating technology into the Department's decision-making processes. Due to this leadership, many of Michigan's programs are recognized as national models; and

Whereas, Dan Wyant has served on numerous state and federal committees, as well as private sector boards, and has been a valuable and integral member of all, leaving his mark through strong participation in these efforts; and

Whereas, Dan's many contributions in both the Engler and Granholm Administrations will long be remembered and their positive impact felt by the agricultural community and others; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Dan Wyant, Director of the Michigan Department of Agriculture; and be it further

Resolved, That a copy of this resolution be transmitted to Dan Wyant as a token of our respect for all his fine work.

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.

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Employment Relations, Training, and Safety from further consideration of **House Bill No. 4046**.

Rep. Lemmons, Jr.

Communications from State Officers

The following communication from the Department of Human Services was received and read:

June 16, 2005

Pursuant to Section 1002 of P.A. 344 of 2004, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Interim	Zone 1 Adoption Program		CP210263343

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

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

Sincerely,
Marianne Udow
Director

The communication was referred to the Clerk.

Introduction of Bills

Rep. Steil introduced

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 first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Lipsey, Bieda, Kehrl, Plakas, Leland, Kathleen Law, Tobocman, Whitmer, Gaffney and Stewart introduced

House Bill No. 5031, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6023 and 6027 (MCL 600.6023 and 600.6027), section 6023 as amended by 1998 PA 61.

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

Rep. Hildenbrand introduced

House Bill No. 5032, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2001 PA 124, and by adding section 811o.

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

Rep. Ball introduced

House Bill No. 5033, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2003 PA 140.

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

Reps. Lemmons, III, Lemmons, Jr., Waters, Williams, Virgil Smith and Cushingberry introduced

House Bill No. 5034, entitled

A bill to amend 1999 PA 212, entitled "An act to restrict certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or promotion," by amending section 2 (MCL 15.602).

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

Reps. Gaffney and Hune introduced

House Bill No. 5035, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," (MCL 397.171 to 397.196) by adding sections 11a and 24a.

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

Rep. Ball introduced

House Bill No. 5036, entitled

A bill to amend 1994 PA 358, entitled "An act to regulate the possession of ferrets; to provide for the licensing of ferrets; to provide for requirements for importation and rabies control procedures for ferrets; to provide for the powers and duties of certain governmental entities; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by repealing section 10 (MCL 287.900).

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

Reps. Spade, Mayes, Bieda, Kehrl, Polidori, Lipsey, Plakas, Sheltroun, Leland, McDowell, Stahl, Sheen, Kahn, Nitz, Mortimer and Shaffer introduced

House Bill No. 5037, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 272.

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

Reps. Drolet and Farrah introduced

House Bill No. 5038, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 658 (MCL 257.658), as amended by 2002 PA 494.

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

Rep. Hunter moved that the House adjourn.

The motion prevailed, the time being 3:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, July 6, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives