

No. 91
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House of Representatives
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House Chamber, Lansing, Tuesday, October 25, 2005.

1:00 p.m.

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

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

Accavitti—present	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—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—present	Kehrl—excused	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		

Rep. Rick Shaffer, from the 59th District, offered the following invocation:

“Gracious Father, it is with humility of spirit that we bow just now in Your presence. We are thankful for Your goodness and greatness and have much to be grateful for in each of our life’s journeys. We thank You for the degree of health and happiness that we are afforded. For those who may be facing a wide variety of physical challenges, we would ask that You send the Great Comforter to provide peace, comfort and understanding for what ever the circumstance might be. Today Father, we consider it a privilege to serve in the Michigan Legislature. We ask for Your continued guidance as we, along with our staff, continue to serve our Michigan constituencies. In our daily service to You, keep us mindful of the words of author Ellen G. White who shared of long ago: ‘Take me O Lord as Wholly Thine. I lay all my plans at Your feet. Use me today in Your service, abide with me and let all my works be wrought in Thee.’ Today O Lord, we give You all honor and praise! Amen.”

The Speaker assumed the Chair.

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

Comments and Recommendations

Rep. Ward moved that Rule 82 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Ward moved that the following remarks be printed in the Journal.
The motion prevailed.

Rep. Murphy:

“To all the House colleagues and to our friends who are gathered here, we are saddened by the passing of a great American, Rosa Parks, who for many years lived in our great state of Michigan. Well yesterday evening she passed away. She is affectionately referred to as the ‘Mother of the Civil Rights Movement.’ This great woman of faith, this great woman of courage, who wanted to be treated as any American refused to give up her seat on a Montgomery, Alabama bus. Because of her witness it was the spark that lead to the modern civil rights movement. For many of us, especially African Americans, Mrs. Parks holds a special place in our hearts because of what she did. We want to take this time, Mr. Speaker, to take a moment of silence to remember her and to thank God that she came this way and to cherish the precious memory of this great American.”

Rep. Waters:

“Mr. Speaker, I rise today to give honor and thanks to Ms. Rosa Parks for her legacy. I thank Ms. Parks for not moving to the back of the bus. I thank Ms. Parks for her tired and aching feet. I thank her for her quiet strength, dignity and compassion.

Mr. Speaker, despite the fact that Ms. Parks walked with giants and kings, she never lost her common touch. She gave unselfishly of herself.

And so, Mr. Speaker it is because of women like Ms. Rosa Parks that I stand here today as the first African American female House Democratic floor leader.

It is because of people like Ms. Rosa Parks that I was able to leave the cotton and tobacco fields of Alabama with pride, dignity and humility.

I remember one very special time about ten years ago, when I was departing Montgomery after a visit with my family. To my surprise, the attendant at the airline check-in asked me if I was traveling to Detroit, and if so, whether I’d like to sit in first class so I could travel with Ms. Rosa Parks. ‘Absolutely!’ I said. And what an honor it was. We traveled through Atlanta, where they rolled out the red carpet for her. It was a special time for me, a time I still cherish. I asked her what really happened on that bus all those years ago, and she said, ‘I was simply tired, and my feet ached.’

Once we reached Detroit, Ms. Parks gave me a ride home.

I thank God for Ms. Rosa Parks, and I thank God for allowing her to share her life with us for 92 years. Thank you, Mr. Speaker.”

Rep. Williams:

“When one hears about the civil rights movement and civil rights struggle, one often thinks of Martin Luther King automatically and we don’t take time sometimes, to really think that it was Rosa, who was the catalyst for the struggle. It was Rosa, and her actions, that set the stage for what Dr. King and others later did. I also, as the previous speaker had mentioned, heard that on the day that Rosa refused to go to the back of the bus, she had a bad day. Besides resenting the system as it was, she had had a particularly bad day and said to herself ‘I’m just not going to do it today.’ I thank God for Rosa Parks for being a catalyst for what happened afterward. I thank God for bad days.”

Rep. Clack:

“Thank you Mr. Speaker. It is only fitting that we take the time to remember the ‘Mother of the Civil Rights Movement,’ Mrs. Rosa Parks. She decided one day after a very long work day that she was not going to be moved. She decided that she would not be moved that day because she was ‘sick and tired’ of being ‘sick and tired.’ Many of us today have said those very words, we shall not be moved. I thank God for having the opportunity to meet this great lady. Thank you.”

Rep. Cheeks:

“It is a humble honor that I stand before this body to celebrate the life of Mrs. Rosa Parks. Because my grandparents taught me that to whom much is given, much is required, and today is a day that the Lord has made, let us rejoice and be glad in it. Mrs. Rosa Parks was my constituent. As a child growing up on the west side of Detroit, she lived in my neighborhood. When I became the State Legislator in the 6th District, she continued to be my prized constituent. It is with honor and grace that I stand before you today, proud that I stood at her bedside last night as they carried her remains from her home, with her family, with her friends and with a nation that appreciated the service that she gave to this country. Her legacy lives on through us. Mrs. Rosa Parks gave tireless hours to the Raymond and Rosa Parks Foundation. As an educator my primary commitment is to our youth, all of our future, because if not for Rosa Parks and Raymond Parks, our children would not be able to stand. Mrs. Rosa Parks sat down so that we could stand. I am so blessed and so honored because of the legacy of Rosa Parks. It gives me great pride to share with you that Congresswoman Carolyn Cheeks Kilpatrick, was able to get a one million dollar appropriation into the federal budget to honor Mrs. Rosa Parks with a homeland security building dedicated to her in the city of Detroit. In 1957, Mrs. Rosa Parks’ residence became the city of Detroit where she took pride everyday, and everyday the residents cherished her. So we’re glad to share this legend with the rest of the world. Please continue to pray for us and for her family and allow her legacy to live on.”

Rep. Alma Smith:

“Rosa Parks was not an incidental hero. Rosa Parks may have been tired from a day of work just as everybody is from a day of work. But Rosa Parks was given an opportunity and she seized it. She knew the consequences of refusing to move. She knew that she faced arrest and she was uncertain of what that meant for her safety and for the time that she was going to be taking away from her family. But as some of my colleagues have already noted, she was also tired, of being sick and tired, of being a second class citizen. And Rosa Parks refused to move. From that refusal to move, has come one of the greatest movements that has so improved this country and everyone of us in it. Because we now share a true democracy where people are recognized for who they are and not what they necessarily look like. It’s important the legacy that she left to each and everyone of us regardless of race, or gender, or sexual orientation. It’s a legacy of courage, it’s a legacy of justice and it’s one that I know that my colleagues work daily to uphold.”

Rep. Lipsey:

“We’ve spoken about Rosa Parks as a pioneer, a trailblazer, as someone who inspired us to be a greater nation both black and white. But even more, I think she represents the essence of this nation. She was not a powerful political leader, she was not a captain of industry, she was not someone in fact, unfortunately she did not win the Nobel Peace Prize. She was an individual like each and everyone of us in this state. A person who took it upon themselves to do the right thing. In that example for all of us, she showed that following your conscious and standing up for what is right, being willing to be that beacon on the hill, not only preserves your intelligence and integrity but it can inspire a whole generation. I had the privilege of meeting Rosa Parks late in her life, as she presided over something of, I think, special pride for her, which was the awarding of scholarships to high school women, young women and young men. My daughter was privileged to have received a Rosa Parks scholarship and was able to meet her. What struck me about Rosa, at that point, was her recognition that the struggle, not just the civil rights struggle, but the struggle for dignity, for humanity, for being all that we can be, is not something that stopped in her generation or in my generation but it is a torch to be passed from generation to generation to generation. We as a community have learned a lot from this lovely woman. Let us not forget it. Let us each individually resolve to carry on that legacy of truth and integrity because in the end, that is exactly what Rosa Parks symbolized.”

Rep. Cushingberry:

“Mr. Speaker and members:

I was fortunate to meet Civil Rights legend Rosa Parks personally as a Wayne State University Black Students Association Leader. Over the years especially during my early tenure in the Michigan House, I marveled at her quiet strength and compassion for all human kind. She was intelligent, spunky, and a lovely woman to see in action. She was gracious as a spokesman for Congressman John Conyers and always encouraged those of us who felt downhearted at times to keep up the good fight. My late Pastor S. Leon Whitney, also a Civil rights leader of her era, often mentioned what a catalyst she was for the movement. At a function with one of my hero's, Judge Damon Keith, she displayed such humble countenance that many of us were inspired to speak up - but to listen first - and to remember to walk and speak softly as she did.

Her simple act of defiance changed the world. Her gentle, kind, caring, and erudite manner inspired generations and I know God is welcoming her home with a well done my good and faithful servant.”

Rep. DeRoche:

“Rosa Parks will be missed, we never know how and when God is to send us a message when we need to correct the path that we are on. I wish the Rosa Parks family and friends well, and ask God to be with them and also with Rosa Parks, as he welcomes back his messenger, who did so much to his kingdom where she never would have been considered a second class citizen in the first place. I hope that we never forget that lesson while we're here especially in our capacity serving in this body.”

The Speaker called the Speaker Pro Tempore to the Chair.

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

House Bill No. 4606, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 20201 (MCL 333.20201), as amended by 2001 PA 240.

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

The motion prevailed.

House Bill No. 5245, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 1445 (MCL 600.1445).

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

The motion prevailed.

House Bill No. 5247, entitled

A bill to amend 1939 PA 288, entitled “Probate code of 1939,” by amending section 23f of chapter X (MCL 710.23f), as amended by 1994 PA 373.

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. Vander Veen moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

House Bill No. 5248, entitled

A bill to amend 1963 PA 181, entitled “Motor carrier safety act of 1963,” by amending section 1a (MCL 480.11a), as amended by 1995 PA 265.

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

The motion prevailed.

Senate Bill No. 365, entitled

A bill to amend 1968 PA 173, entitled “An act naming certain state buildings,” by amending section 1 (MCL 19.131), as amended by 1999 PA 11.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Government Operations (for amendment, see House Journal No. 88, p. 1925),

The amendment 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. Pastor moved that Reps. DeRoche and Drolet be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4777, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2922 and 2922a (MCL 600.2922 and 600.2922a), section 2922 as amended by 2000 PA 56 and section 2922a as amended by 2002 PA 164.

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

Roll Call No. 528

Yeas—106

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipsey	Schuitmaker
Amos	Gaffney	Marleau	Shaffer
Anderson	Garfield	Mayes	Sheen
Angerer	Gillard	McConico	Sheltrown
Ball	Gleason	McDowell	Smith, Alma
Baxter	Gonzales	Meisner	Smith, Virgil
Bennett	Gosselin	Meyer	Spade
Bieda	Green	Miller	Stahl
Booher	Hansen	Moolenaar	Stakoe
Brandenburg	Hildenbrand	Moore	Steil
Brown	Hood	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	Kahn	Pavlov	Waters
Condino	Kolb	Pearce	Wenke
Cushingberry	Kooiman	Plakas	Whitmer
Dillon	LaJoy	Polidori	Williams

Donigan
Elsenheimer
Emmons

Law, David
Law, Kathleen
Leland

Proos
Robertson

Wojno
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 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2922 (MCL 600.2922), as amended by 2000 PA 56.

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.

House Bill No. 5257, entitled

A bill to amend 1846 RS 16, entitled "Of the powers and duties of townships, the election and duties of township officers, and the division of townships," by amending section 78 (MCL 41.78), as amended by 1989 PA 77.

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

Roll Call No. 529

Yeas—106

Accavitti
Acciavatti
Adamini
Amos
Anderson
Angerer
Ball
Baxter
Bennett
Bieda
Booher
Brandenburg
Brown
Byrnes
Byrum
Casperson
Caswell
Caul
Cheeks
Clack
Clemente
Condino
Cushingberry
Dillon
Donigan
Elsenheimer
Emmons

Espinoza
Farhat
Farrah
Gaffney
Garfield
Gillard
Gleason
Gonzales
Gosselin
Green
Hansen
Hildenbrand
Hood
Hoogendyk
Hopgood
Huizenga
Hummel
Hune
Hunter
Jones
Kahn
Kolb
Kooiman
LaJoy
Law, David
Law, Kathleen
Leland

Lemmons, III
Lemmons, Jr.
Lipsey
Marleau
Mayes
McConico
McDowell
Meisner
Meyer
Miller
Moolenaar
Moore
Mortimer
Murphy
Newell
Nitz
Nofs
Palmer
Palsrok
Pastor
Pavlov
Pearce
Plakas
Polidori
Proos
Robertson

Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Stahl
Stakoe
Steil
Stewart
Taub
Tobocman
Vagnozzi
Van Regenmorter
Vander Veen
Walker
Ward
Waters
Wenke
Whitmer
Williams
Wojno
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 Speaker laid before the House
Senate Concurrent Resolution No. 30.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Engineering Laboratory Building Addition.

(For text of concurrent resolution, see House Journal No. 87, p. 1915.)

(The concurrent resolution was reported by the Committee on Appropriations on October 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 530

Yeas—106

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

Nays—0

The Speaker laid before the House

Senate Concurrent Resolution No. 31.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase II) Engineering and Science Building Renovations Science Building Addition.

(For text of concurrent resolution, see House Journal No. 87, p. 1916.)

(The concurrent resolution was reported by the Committee on Appropriations on October 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 531

Yeas—106

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

Nays—0

In The Chair: Kooiman

The Speaker laid before the House

Senate Concurrent Resolution No. 32.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Ann Arbor Central Campus Renovations Phase II Literature, Science, and the Arts Building.

(For text of concurrent resolution, see House Journal No. 87, p. 1917.)

(The concurrent resolution was reported by the Committee on Appropriations on October 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

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

Roll Call No. 532

Yeas—106

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

Nays—0

In The Chair: Kooiman

Second Reading of Bills

House Bill No. 5297, entitled

A bill to amend 1985 PA 227, entitled “Shared credit rating act,” (MCL 141.1051 to 141.1076) by adding section 16d. The bill was read a second time.

Rep. Vagnozzi 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. 5297, entitled

A bill to amend 1985 PA 227, entitled "Shared credit rating act," (MCL 141.1051 to 141.1076) by adding section 16d. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 533

Yeas—107

Accavitti	Emmons	Leland	Rocca
Acciavatti	Espinoza	Lemmons, III	Sak
Adamini	Farhat	Lemmons, Jr.	Schuitmaker
Amos	Farrah	Lipsey	Shaffer
Anderson	Gaffney	Marleau	Sheen
Angerer	Garfield	Mayer	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	Hood	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	Kahn	Pavlov	Wenke
Cushingberry	Kolb	Pearce	Whitmer
Dillon	Kooiman	Plakas	Williams
Donigan	LaJoy	Polidori	Wojno
Drolet	Law, David	Proos	Zelenko
Elsenheimer	Law, Kathleen	Robertson	

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Rep. Ward moved that Rep. Drolet 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. 4737, entitled

A bill to amend 1990 PA 100, entitled “City utility users tax act,” by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

(The bill was received from the Senate on October 18, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until October 19, see House Journal No. 88, p. 1928.)

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. 534

Yeas—100

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

Nays—6

Angerer	Garfield	Marleau	Taub
Baxter	Gosselin		

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. 4133, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1831 (MCL 600.1831), as amended by 1984 PA 29.

(The bill was received from the Senate on October 20, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 90, p. 1970.)

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. 535

Yeas—81

Accavitti	Espinoza	LaJoy	Robertson
Acciavatti	Farhat	Law, David	Rocca
Amos	Farrah	Law, Kathleen	Sak
Angerer	Gaffney	Leland	Schuitmaker
Ball	Garfield	Lipsey	Shaffer
Baxter	Gillard	Marleau	Sheltrown
Bieda	Gleason	Mayes	Spade
Booher	Gonzales	McConico	Stakoe
Brandenburg	Gosselin	McDowell	Steil
Brown	Hansen	Meisner	Stewart
Byrnes	Hildenbrand	Miller	Taub
Byrum	Hoogendyk	Moolenaar	Tobocman
Casperson	Hopgood	Moore	Vagnozzi
Caswell	Hummel	Mortimer	Vander Veen
Caul	Hune	Nofs	Walker
Clemente	Hunter	Palsrok	Ward
Condino	Jones	Pastor	Wenke
Cushingberry	Kahn	Pavlov	Whitmer
Donigan	Kolb	Polidori	Wojno
Elsenheimer	Kooiman	Proos	Zelenko
Emmons			

Nays—25

Adamini	Hood	Newell	Smith, Alma
Anderson	Huizenga	Nitz	Smith, Virgil
Bennett	Lemmons, III	Palmer	Stahl
Cheeks	Lemmons, Jr.	Pearce	Van Regenmorter
Clack	Meyer	Plakas	Waters
Dillon	Murphy	Sheen	Williams
Green			

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. 5110, 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 1 (MCL 722.111), as amended by 2002 PA 696.

(The bill was received from the Senate on October 20, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 90, p. 1973.)

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

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

Roll Call No. 536**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Sak, Palmer, Hopgood, Accavitti, Anderson, Angerer, Ball, Bieda, Brandenburg, Brown, Byrnes, Caul, Donigan, Farrah, Gillard, Gleason, Gonzales, Hildenbrand, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Miller,

Plakas, Polidori, Proos, Shaffer, Alma Smith, Spade, Taub, Tobocman, Vagnozzi, Vander Veen, Waters, Wojno and Zelenko offered the following resolution:

House Resolution No. 142.

A resolution to urge the Michigan Department of Education to ensure that school districts and students are not penalized because of problems with the distribution of MEAP test materials.

Whereas, Educational testing in Michigan originated with the Michigan Educational Assessment Program (MEAP), which was established in 1969 pursuant to 1969 PA 307. This act required the Department of Education to design an assessment tool to provide education officials, parents, and policymakers with data on the application of knowledge. For decades, the MEAP has been the means by which we determine if our young people have the skills that are essential for continued educational development and success in the job market; and

Whereas, Clearly, the MEAP is a key to assessing educational outcomes and developing our state's model core curriculum. In October 2005, however, school officials across the state opened their MEAP testing packets and discovered that they had received incomplete or incorrect testing materials; and

Whereas, Indeed, delays associated with the incomplete or incorrect testing materials could have significant ramifications for federal No Child Left Behind requirements, pupil eligibility for advanced placement opportunities, and any number of academic and curricula initiatives. It is imperative that the MEAP errors have as little harm as possible on our schools, pupils, and families; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan Department of Education to ensure that school districts and students are not penalized because of problems with the distribution of MEAP test materials; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Education and the Superintendent of Public Instruction.

The resolution was referred to the Committee on Education.

Reps. Pavlov, Farhat, Acciavatti, Hansen, Booher, David Law, Schuitmaker, Baxter, Nitz, Moore, Mortimer, Palsrok, Walker, Accavitti, Ball, Bieda, Brandenburg, Byrnes, Caul, Donigan, Gillard, Hildenbrand, Kooiman, LaJoy, Leland, Lemmons, III, Lemmons, Jr., Lipsey, Marleau, Meyer, Palmer, Pastor, Pearce, Plakas, Proos, Rocca, Shaffer, Alma Smith, Stahl, Stakoe, Taub, Tobocman, Vander Veen, Wojno, Zelenko and Jones offered the following resolution:

House Resolution No. 143.

A resolution to urge the Great Lakes Regional Collaboration and the United States Congress to implement the Action Plan to Restore and Protect the Great Lakes.

Whereas, Over 40 percent of the Great Lakes are under Michigan's jurisdiction and the Great Lakes contain 95 percent of North America's fresh surface water; and

Whereas, The Great Lakes affect all aspects of life in Michigan and are inextricably linked to Michigan's history, culture, and economy. The Great Lakes have for thousands of years supported native communities' culture and way of life; and

Whereas, The Great Lakes fuel Michigan's tourism and recreation industry. Recreational fishing alone adds \$1.4 billion annually to the state's economy; and

Whereas, The state of Michigan has historically been a leader in protecting the Great Lakes, including efforts to regulate ballast water discharges that could harbor invasive species and to eliminate the disposal of dangerous contaminants in the Great Lakes; and

Whereas, Despite Michigan's efforts, the Great Lakes are ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from nonpoint sources, and coastal habitat loss. Combined, these stressors will have long-lasting effects on the Great Lakes, Michigan's economy, and our way of life; and

Whereas, There has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, and local governments, Native American tribes, nongovernmental entities, and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Implementation of the action plan can restore the ecology of the Great Lakes and avert impending environmental threats to the region; and

Whereas, The action plan includes recommendations that call on the states and federal government to take substantial new steps jointly in the restoration and protection of the Great Lakes; now, therefore, be it

Resolved by the House of Representatives, That we urge the Great Lakes Regional Collaboration and the United States Congress to take prompt action to finalize, endorse, implement, and invest in the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That we intend for the state of Michigan to continue its proud tradition of Great Lakes stewardship and fulfill its commitment to restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Action Plan to Restore and Protect the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the Great Lakes Commission, the Great Lakes Legislative Caucus, the International Joint Commission, the Great Lakes Fishery Commission, the Michigan Office of the Great Lakes, the Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources.

The resolution was referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Reports of Standing Committees

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

Senate Bill No. 664, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 131 (MCL 450.1131), as amended by 2001 PA 57.

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, Marleau, Pavlov, Meisner, Tobocman, Dillon, Bennett and Accavitti

Nays: None

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

Senate Bill No. 665, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 104 (MCL 450.4104), as amended by 2002 PA 686.

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

Nays: None

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

Senate Bill No. 666, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 131 (MCL 450.2131), as amended by 1992 PA 198.

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

Nays: None

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

Senate Bill No. 667, entitled

A bill to amend 1982 PA 213, entitled "Michigan revised uniform limited partnership act," by amending section 206 (MCL 449.1206), as amended by 1992 PA 110.

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

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 25, 2005

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

Absent: Reps. David Law and McConico

Excused: Reps. David Law and McConico

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Bill No. 4647, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35c.

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. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman, Lipsey and Lemmons, III

Nays: None

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Bill No. 4648, entitled

A bill to amend 1943 PA 184, entitled "Township zoning act," (MCL 125.271 to 125.310) by adding section 16j.

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. Drolet, Hoogendyk, Gosselin, Garfield, Sheen and Lemmons, III

Nays: None

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Bill No. 4649, entitled

A bill to amend 1943 PA 183, entitled "County zoning act," (MCL 125.201 to 125.240) by adding section 16j.

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. Drolet, Hoogendyk, Gosselin, Garfield, Sheen and Lemmons, III
Nays: None

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Bill No. 5281, entitled

A bill to amend 1956 PA 40, entitled "The drain code of 1956," by amending section 514 (MCL 280.514).

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. Drolet, Hoogendyk, Sheen, Tobocman and Lemmons, III
Nays: Reps. Garfield and Lipsey

The Committee on Government Operations, by Rep. Drolet, Chair, reported

House Resolution No. 55.

A resolution to memorialize the Congress of the United States to enact legislation to extend the production tax credit for wind power energy development.

(For text of resolution, see House Journal No. 32, p. 482.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Drolet, Hoogendyk, Gosselin, Garfield, Sheen, Tobocman, Lipsey and Lemmons, III
Nays: None

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, October 25, 2005

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

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, October 25, 2005

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

Absent: Reps. David Law, Hood and Leland

Excused: Reps. David Law, Hood and Leland

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, October 21:

House Bill Nos. 5339 5340 5341 5342 5343 5344 5345 5346 5347 5348 5349 5350 5351

Senate Bill Nos. 833 834 835 836

The Clerk announced the enrollment printing and presentation to the Governor on Monday, October 24, for her approval of the following bills:

Enrolled House Bill No. 4997 at 1:41 p.m.

Enrolled House Bill No. 4998 at 1:43 p.m.

Enrolled House Bill No. 4999 at 1:45 p.m.

Enrolled House Bill No. 5000 at 1:47 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, October 25:

Senate Bill No. 633 634

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

House Bill No. 4972, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 4980, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4a (MCL 205.54a), as amended by 2004 PA 173.

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

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

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

House Bill No. 5095, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending sections 3, 4, 19, 24, and 31 (MCL 205.3, 205.4, 205.19, 205.24, and 205.31), section 3 as amended by 2003 PA 92, sections 4, 19, and 31 as amended by 2002 PA 657, and section 24 as amended by 2003 PA 201.

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

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

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

House Bill No. 5096, entitled

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of the tax; to prescribe the powers and duties of certain local government officials; and to provide penalties.

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

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

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

House Bill No. 5097, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34d (MCL 211.34d), as amended by 2005 PA 12, and by adding section 7jj.

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

The Senate has passed the bill as substituted (S-2) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5098, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 3, 36, 38e, and 71 (MCL 208.3, 208.36, 208.38e, and 208.71), sections 3 and 71 as amended by 1999 PA 115, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding section 79.

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

The Senate has passed the bill as substituted (S-2) and amended the title to read as follows:

A bill to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending sections 3, 9, 22a, 36, 38e, and 71 (MCL 208.3, 208.9, 208.22a, 208.36, 208.38e, and 208.71), sections 3 and 71 as amended by 1999 PA 115, section 9 as amended by 2004 PA 258, section 22a as amended by 1996 PA 578, section 36 as amended by 1995 PA 284, and section 38e as amended by 2003 PA 273, and by adding section 79.

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

House Bill No. 5106, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4d (MCL 205.54d), as added by 2004 PA 173.

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

The Senate has passed the bill as substituted (S-1) and pursuant to Joint Rule 20, inserted the full title.

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

House Bill No. 5107, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172, and by adding section 5a.

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

The Senate has passed the bill as substituted (S-2) and amended the title to read as follows:

A bill to amend 1937 PA 94, entitled "An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act," by amending sections 3a and 4 (MCL 205.93a and 205.94), as amended by 2004 PA 172.

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

House Bill No. 5108, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 4a, 31, and 36 (MCL 208.4a, 208.31, and 208.36), section 4a as added by 2003 PA 241, section 31 as amended by 1999 PA 115, and section 36 as amended by 1995 PA 284.

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

The Senate has passed the bill as substituted (S-1) and amended the title to read as follows:

A bill to amend 1975 PA 228, entitled "An act to provide for the imposition, levy, computation, collection, assessment and enforcement, by lien or otherwise, of taxes on certain commercial, business, and financial activities; to prescribe the manner and times of making certain reports and paying taxes; to prescribe the powers and duties of public officers and state departments; to permit the inspection of records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits, and refunds; to provide penalties; to provide for the disposition of funds; to provide for the interrelation of this act with other acts; and to provide an appropriation," by amending sections 4a and 36 (MCL 208.4a and 208.36), section 4a as added by 2003 PA 241 and section 36 as amended by 1995 PA 284, and by adding section 74.

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

Senate Bill No. 633, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 31 (MCL 208.31), as amended by 1999 PA 115.

The Senate has passed the bill.

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

Senate Bill No. 634, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 45a (MCL 208.45a), as amended by 1999 PA 115.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Miller, Jones, Meisner, Kehrl, Bennett, Sak, Lemmons, Jr., Sheltroun, Brandenburg, Polidori, Sheen, Stewart, Wojno, Lipsey and Lemmons, III introduced

House Bill No. 5352, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 539a and 539g (MCL 750.539a and 750.539g), section 539g as amended by 1993 PA 227, and by adding section 539l.

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

Reps. Robertson, Hunter, Palsrok, Hune, Marleau, Ball, Dillon, Steil, Mayes, Clemente, Taub and Green introduced

House Bill No. 5353, entitled

A bill to amend 1950 (Ex Sess) PA 27, entitled "Motor vehicle sales finance act," (MCL 492.101 to 492.141) by adding section 13a.

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

Reps. Murphy, Jones, Virgil Smith, McConico, Whitmer, Byrum, Zelenko and Lemmons, III introduced

House Bill No. 5354, entitled

A bill to authorize the state administrative board to convey certain state owned property in Ingham county; to prescribe conditions for the conveyance; to provide for certain powers and duties of certain state departments in regard to the conveyance; and to provide for disposition of revenue derived from the conveyance.

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

Reps. Sheen, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5355, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 3 (MCL 205.3), as amended by 2003 PA 92.

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

Reps. Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5356, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers

and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 6.

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

Reps. Meyer, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Hummel, Kahn, Baxter and Robertson introduced

House Bill No. 5357, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” (MCL 205.1 to 205.31) by adding section 21a.

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

Reps. Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5358, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Reps. Emmons, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5359, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Reps. Jones, Wenke, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5360, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Reps. Marleau, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5361, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 21 (MCL 205.21), as amended by 2002 PA 657.

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

Reps. Drolet, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5362, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," (MCL 205.1 to 205.31) by adding section 6.

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

Reps. Stakoe, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5363, entitled

A bill to amend 1941 PA 122, entitled "An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce

the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act," by amending section 30c (MCL 205.30c), as amended by 2002 PA 616.

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

Reps. Green, Wenke, Jones, Huizenga, Pastor, Palmer, Vander Veen, Meyer, Hummel, Amos, Kahn, Baxter and Robertson introduced

House Bill No. 5364, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 53a and 53b (MCL 211.53a and 211.53b), section 53b as amended by 2003 PA 105, and by adding section 27e.

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

Reps. Casperson, Nofs, Stakoe, Emmons, Booher, Meyer, Sheen, Proos, Kooiman, Jones, Brown, Adamini and Kahn introduced

House Bill No. 5365, entitled

A bill to prevent certain pricing practices in the distribution of motor fuel; and to provide remedies.

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

Rep. Donigan moved that the House adjourn.

The motion prevailed, the time being 4:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, October 26, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

