

No. 108
STATE OF MICHIGAN
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House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

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

10:00 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—excused	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—e/d/s	Kolb—present	Pearce—present	Wenke—present
DeRoche—present	Kooiman—present	Phillips—e/d/s	Whitmer—present
Dillon—present	LaJoy—present	Plakas—e/d/s	Williams—present
Donigan—present	Law, David—present	Polidori—present	Wojno—present
Drolet—present	Law, Kathleen—present	Proos—present	Zelenko—present
Elsenheimer—present			

e/d/s = entered during session

Rep. Frank Accavitti, Jr., from the 42nd District, offered the following invocation:

“We thank You for the opportunity to serve You and the people of the state of Michigan. As we bring this year to a close, let us remember all the blessings we have received and ask that You bring peace to our hearts and minds. Amen.”

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

Reports of Standing Committees

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

Senate Bill No. 203, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 54 (MCL 208.54), as added by 1999 PA 115.

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. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah, Zelenko, Miller and Meisner

Nays: Rep. Bennett

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

Senate Bill No. 909, entitled

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

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. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah, Zelenko, Miller and Meisner

Nays: Rep. Bennett

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

Senate Bill No. 910, entitled

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

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. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah, Zelenko, Miller and Meisner

Nays: Rep. Bennett

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Sheen, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Tuesday, December 13, 2005

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Farrah, Zelenko, Miller, Meisner and Bennett

Absent: Rep. Bieda

Excused: Rep. Bieda

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

Senate Bill No. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

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, Murphy, Bennett and Accavitti

Nays: None

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

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

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, Murphy, 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, December 13, 2005

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

Absent: Reps. David Law, Tobocman and Dillon

Excused: Reps. David Law, Tobocman and Dillon

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 4889, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 733 (MCL 257.733), as amended by 2004 PA 62.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. LaJoy, Meyer, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Kathleen Law, Hood, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 5240, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 5, 320a, 627, 628, 629, and 629c (MCL 257.5, 257.320a, 257.627, 257.628, 257.629, and 257.629c), section 320a as amended by 2004 PA 495, section 627 as amended by 2004 PA 62, section 628 as amended by 2003 PA 65, section 629 as amended by 1988 PA 368, and section 629c as amended by 1996 PA 320; and to repeal acts and parts of acts.

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. LaJoy, Gosselin, Meyer, Casperson, Nitz, Moore, Pearce, Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Bill No. 5241, entitled

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending section 61 (MCL 257.1861).

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. LaJoy, Gosselin, Meyer, Casperson, Nitz, Moore, Pearce, Anderson, Byrnes, Kathleen Law, Hood, Gleason and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported

Senate Bill No. 624, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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. LaJoy, Gosselin, Meyer, Casperson, Nitz, Wenke, Moore, Pearce, Anderson, Byrnes, Murphy, Kathleen Law and Leland

Nays: None

The Committee on Transportation, by Rep. LaJoy, Chair, reported

House Resolution No. 149.

A resolution to memorialize the Congress of the United States to increase efforts to protect our borders.

(For text of resolution, see House Journal No. 96, p. 2081.)

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. LaJoy, Casperson, Nitz, Wenke, Moore, Pavlov, Pearce, Anderson, Byrnes, Murphy, Hood, Gleason and Leland

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, December 13, 2005

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

Absent: Rep. David Law

Excused: Rep. David Law

Messages from the Senate

House Bill No. 5054, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2004 PA 428.

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5200, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

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. 5333, entitled

A bill to amend 1952 PA 214, entitled "An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate

and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation," by repealing sections 3 and 14 (MCL 254.313 and 254.324).

The Senate has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5339, entitled

A bill to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," by amending section 2 (MCL 254.302); and to repeal acts and parts of acts.

The Senate has passed the bill and ordered that it be given immediate effect.

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

Communications from State Officers

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

December 8, 2005

Enclosed is a copy of the following audit report and/or report summary:
Financial audit, including the provisions of the Single Audit Act, of the
Department of Human Services
for the period October 1, 2002 through September 30, 2004

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

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

The Speaker assumed the Chair.

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

House Bill No. 4655, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills**Senate Bill No. 252, entitled**

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

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

Roll Call No. 774**Yeas—105**

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

Nays—0

In The Chair: Kooiman

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

"An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,"

The House agreed to the full title.

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

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

Senate Bill No. 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.

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

Roll Call No. 775

Yeas—105

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

Nays—0

In The Chair: Kooiman

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

"An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other

acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies,”

The House agreed to the full title.

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

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

Senate Bill No. 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.

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

Roll Call No. 776

Yeas—105

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

Nays—0

In The Chair: Kooiman

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

“An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering

of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.”

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.

House Bill No. 4522, entitled

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 5j (MCL 28.425j), as amended by 2004 PA 254.

(The bill was read a third time, vote reconsidered by which the House placed the bill on the order of Third Reading of Bills, amendment withdrawn, bill placed on the order of Third Reading of Bills and postponed for the day on December 8, see House Journal No. 107, p. 2487.)

The question being on the passage of the bill,

Rep. Hummel moved to amend the bill as follows:

1. Amend page 4, following subsection (B) by inserting:

“(C) THE INDIVIDUAL CERTIFIES THAT HE OR SHE HAS COMPLETED AT LEAST 3 HOURS REVIEW OF THE TRAINING DESCRIBED UNDER THIS SECTION AND HAS AT LEAST 1 HOUR OF FIRING RANGE TIME IN THE 6 MONTHS PRECEDING THE APPLICATION.”.

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

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. 777

Yeas—105

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

Donigan
Drolet
Elsenheimer
Emmons

LaJoy
Law, David
Law, Kathleen

Polidori
Proos
Robertson

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.

Reps. Waters, McConico, Anderson, Zelenko, Lipsey, Meyer, Hummel, Newell, Vander Veen, Williams, Gaffney, Hunter, Farrah, Pastor, LaJoy, Bieda, Wojno, Accavitti, Garfield, Gleason, Shaffer, Nofs, Ward, Byrum, Emmons, Nitz, Stahl, Sheen, Huizenga, Farhat, Moolenaar, Palsrok, Casperson, Baxter, Bennett, Booher, Cheeks, Clemente, Espinoza, Gonzales, Hansen, Hildenbrand, Jones, Lemmons, III, Lemmons, Jr., Marleau, Miller, Moore, Pavlov, Polidori, Proos, Rocca, Schuitmaker, Spade and Murphy were named co-sponsors of the bill.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 5100, entitled

A bill to amend 1970 PA 91, entitled "Child custody act of 1970," by amending sections 2 and 7 (MCL 722.22 and 722.27), section 2 as amended by 2004 PA 542 and section 7 as amended by 2001 PA 108.

(The bill was received from the Senate on November 8, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until November 9, see House Journal No. 97, p. 2129.)

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

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

Roll Call No. 778

Yeas—105

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

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

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

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

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

Nays—0

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.

The Speaker laid before the House

House Bill No. 5067, entitled

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

(The bill was received from the Senate on November 30, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 1, see House Journal No. 103, p. 2297.)

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. 779**Yeas—104**

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

Elsenheimer
Emmons

Law, David
Law, Kathleen

Proos
Robertson

Wojno
Zelenko

Nays—1

Drolet

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.

Second Reading of Bills

Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

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

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. Cushingberry entered the House Chambers.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 444, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 216a (MCL 750.216a), as added by 1985 PA 78, and by adding section 216b.

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

Roll Call No. 780

Yeas—106

Accavitti
Acciavatti
Adamini
Anderson
Angerer
Ball
Baxter
Bennett
Bieda

Emmons
Espinoza
Farhat
Farrah
Gaffney
Garfield
Gillard
Gleason
Gonzales

Leland
Lemmons, III
Lemmons, Jr.
Lipse
Marleau
Mayes
McConico
McDowell
Meisner

Rocca
Sak
Schuitmaker
Shaffer
Sheen
Sheltrown
Smith, Alma
Smith, Virgil
Spade

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

Nays—0

In The Chair: Kooiman

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

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.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Caswell to the Chair.

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

Senate Joint Resolution E, entitled

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

With the recommendation that the following amendments be adopted and that the joint resolution then be adopted.

1. Amend page 2, line 12, after “**OF**” by inserting “**A**”.
2. Amend page 2, line 16, after “**TAKING**” by inserting “**OF THAT PROPERTY**”.

The joint resolution and amendments were 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

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, December 13, 2005

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

Second Reading of Bills

Senate Joint Resolution E, entitled

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

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Government Operations (for amendments, see today's Journal, p. 2510),

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

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

The motion prevailed.

Rep. Ward moved that the joint resolution 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 Joint Resolution E, entitled

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

Was read a third time and adopted, 2/3 of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 781

Yeas—106

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

Donigan
Drolet
Elsenheimer

LaJoy
Law, David
Law, Kathleen

Proos
Robertson

Wojno
Zelenko

Nays—0

In The Chair: Caswell

The House agreed to the title of the joint resolution.

By unanimous consent the House returned to the order of

Messages from the Senate

The Speaker laid before the House

House Bill No. 4577, entitled

A bill to amend 1977 PA 72, entitled “The medicaid false claim act,” by amending the title and section 11 (MCL 400.611), the title as amended by 1982 PA 518, and by adding sections 10a, 10b, and 10c.

(The bill was received from the Senate on December 6, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 7, see House Journal No. 105, p. 2367.)

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

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

Rep. Plakas entered the House Chambers.

Rep. Newell moved that Rep. Kooiman be excused temporarily from today’s session.
The motion prevailed.

Rep. Ward moved that Rep. DeRoche be excused temporarily from today’s session.
The motion prevailed.

The Speaker laid before the House

House Bill No. 5268, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 85.

(The bill was received from the Senate on December 6, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until December 7, see House Journal No. 105, p. 2367.)

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. 782

Yeas—105

Accavitti
Acciavatti
Adamini

Espinoza
Farhat
Farrah

Lemmons, III
Lemmons, Jr.
Lipsey

Rocca
Sak
Schuitmaker

Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
Dillon	LaJoy	Plakas	Whitmer
Donigan	Law, David	Polidori	Williams
Drolet	Law, Kathleen	Proos	Wojno
Elsenheimer	Leland	Robertson	Zelenko
Emmons			

Nays—0

In The Chair: Caswell

The House agreed to the full title of the bill.

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

Rep. Kooiman, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 782. Had I been present, I would have voted ‘yea’.”

The House returned to the consideration of

House Bill No. 4577, entitled

A bill to amend 1977 PA 72, entitled “The medicaid false claim act,” by amending the title and section 11 (MCL 400.611), the title as amended by 1982 PA 518, and by adding sections 10a, 10b, and 10c.

(The bill was considered earlier today, see today’s Journal, p. 2512.)

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. 783

Yeas—104

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak

Adamini	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hune	Nofs	Van Regenmorter
Clack	Hunter	Palmer	Vander Veen
Clemente	Jones	Palsrok	Walker
Condino	Kahn	Pastor	Ward
Cushingberry	Kolb	Pavlov	Waters
Dillon	Kooiman	Pearce	Wenke
Donigan	LaJoy	Plakas	Whitmer
Drolet	Law, David	Polidori	Williams
Elsenheimer	Law, Kathleen	Proos	Wojno
Emmons	Leland	Robertson	Zelenko

Nays—2

Caswell Hummel

In The Chair: Caswell

The House agreed to the title as amended.

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

The Speaker laid before the House

House Bill No. 5427, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 63203 (MCL 324.63203), as added by 2004 PA 449.

(The bill was received from the Senate on December 8, 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. 107, p. 2492.)

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. 784**Yeas—106**

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen

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

Nays—1

Tobocman

In The Chair: Caswell

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.

Second Reading of Bills

House Bill No. 5198, entitled

A bill to amend 1846 RS 84, entitled “Of divorce,” by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

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

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

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

The motion prevailed.

Senate Bill No. 685, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

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

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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 685, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16y of chapter XVII (MCL 777.16y), as amended by 2000 PA 279.

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

Roll Call No. 785

Yeas—107

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

Nays—0

In The Chair: Caswell

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

Senate Bill No. 686, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 552c.

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

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. Ward 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. 686, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 552c.

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

Roll Call No. 786

Yeas—106

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
Dillon	Kooiman	Plakas	Whitmer
Donigan	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer	Law, Kathleen	Robertson	Zelenko
Emmons	Leland		

Nays—0

In The Chair: Caswell

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

“An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act.”

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

Senate Bill No. 714, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 2 (MCL 722.22), as amended by 2004 PA 542.

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. 714, entitled

A bill to amend 1970 PA 91, entitled “Child custody act of 1970,” by amending section 2 (MCL 722.22), as amended by 2004 PA 542.

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

Roll Call No. 787

Yeas—107

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

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

Nays—0

In The Chair: Caswell

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

“An act to declare the inherent rights of minor children; to establish rights and duties to their custody, support, and parenting time in disputed actions; to establish rights and duties to provide support for a child after the child reaches the age of majority under certain circumstances; to provide for certain procedure and appeals; and to repeal certain acts and parts of acts,”

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.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Murphy, Accavitti, Anderson, Brown, Byrnes, Byrum, Cheeks, Condino, Espinoza, Gillard, Gonzales, Green, Hood, Hopgood, Kathleen Law, Leland, Lemmons, Jr., Lipsey, Mayes, Miller, Mortimer, Nofs, Pearce, Polidori, Sak, Schuitmaker, Shaffer, Alma Smith, Virgil Smith, Spade, Tobocman, Vagnozzi, Waters, Zelenko, Bieda, Clack, Farrah, Gleason, Lemmons, III and Proos offered the following resolution:

House Resolution No. 172.

A resolution to memorialize the United States Congress to establish a program to recognize historic African-American sites.

Whereas, America is blessed to be a nation of ideals that people around the world aspire to join. We have a rich tapestry of religions, races, and nationalities that has contributed to our greatness and our freedoms; and

Whereas, The history of African Americans in North America is a story with both terrible horrors and inspiring progress. We have witnessed slavery, emancipation, tentative steps to enjoy that freedom, a civil rights movement that inspired the entire nation to eradicate discrimination in our laws, and a growing integration of our society where African Americans have reached the upper levels of business and government. There are miles to go, but our society has already traveled far; and

Whereas, This history should be a source of pride for our people. While those who live near historic sites are generally aware of the significance of their own piece of history, there should be a mechanism to recognize such sites in order to make Americans generally aware of the treasures from our past located across our nation. Just as Native American tribal reservations are a tool to preserve the history and culture of the first Americans, historic African-American sites would fulfill the same role for African Americans, whose journey to America followed a far different path than those of voluntary immigrants. The educational value of recognizing, cataloging, and advertising historic African-American sites will increase awareness of our cultural heritage and our past, allowing us to forge a better future. Such a designation as an historic African-American site would also be a useful economic development tool to attract visitors to the community where the site is located; and

Whereas, In our own state, for example, we have the community of Idlewild in Lake County. From 1912 to the mid-1960s, this resort was a summer attraction for African American who were barred from other resorts due to official and unofficial segregation practices. Advances in integration and civil rights may have made such resorts a thing of the past, but it is a past we must remember and a past from which we may still learn much; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to establish a program to recognize historic African-American sites; 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.

Reps. Stewart and Nofs offered the following resolution:

House Resolution No. 173.

A resolution to amend the Standing Rules of the House of Representatives.

Resolved by the House of Representatives, That Rule 31 of the Standing Rules of the House of Representatives be amended to read as follows:

“Voting by the Electronic Roll Call System.

Rule 31. (1) When taking the ayes and nays on any questions to be voted upon, the electronic roll call system may be used, and when so used shall have the same force and effect as a roll call taken as otherwise provided in these rules.

(2) When the House is ready to vote upon any questions requiring a roll call, and the vote is to be taken by the electronic roll call system, the Presiding Officer shall announce:

“The question before the House is (designating the matter to be voted upon). All in favor shall vote ‘aye’, all opposed shall vote ‘nay’. The House will now proceed to vote.”

When sufficient time has been allowed the Members to vote, **A PERIOD OF TIME THAT SHALL NOT EXCEED MORE THAN 5 MINUTES**, the Presiding Officer shall announce: “Have all Members voted?” After a short pause, **WHICH SHALL NOT BE MORE THAN 1 MINUTE**, the Presiding Officer shall say: “The Clerk shall close the board.” Any Member shall be privileged to vote or change his or her vote after the board has been closed by rising and, when recognized by the Presiding Officer, announcing his or her vote before the result of the vote has been announced by the Clerk. After a sufficient time, **WHICH SHALL NOT BE MORE THAN 1 MINUTE**, has passed to allow late voting, the Presiding Officer shall say: “The Clerk shall tally, display, and announce the vote.”

The Clerk shall immediately announce and display the result to the House. The Clerk shall enter upon the House Journal the result in the manner provided by the rules of the House.

(3) No Member shall vote for another Member, nor shall any person not a Member cast a vote for a Member. In addition to such penalties as may be prescribed by law, any Member who shall vote or attempt to vote for another Member may be punished in such manner as the House may determine. If a person not a Member shall vote or attempt to vote for any Member that person shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

(4) Upon the passage of any question the vote shall be taken by the ayes and nays and entered upon the House Journal on request of one-fifth of the Members shown to be present by the House Journal entries. (See Const 1963, Art 4 § 18)”

The resolution was referred to the Committee on House Oversight, Elections, and Ethics.

Messages from the Senate

House Bill No. 4817, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 3 (MCL 125.2683), as amended by 2000 PA 259.

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.

Notices

Rep. Clack, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 735-761. Had I been present, I would have voted ‘yea’ on Roll Call Nos. 735-739, 742, 744-748, 750-755 and 757-759 and ‘nay’ on Roll Call Nos. 740-741, 743, 749, 756 and 760-761.”

Associate Speaker Pro Tempore Elsenheimer assumed the Chair.

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that Rule 45 be suspended.

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

Rep. Ward moved that the Committee on Local Government and Urban Policy be discharged from further consideration of **House Bill No. 5487**.

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

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

Messages from the Senate

House Bill No. 4508, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 11 (MCL 30.411), as amended by 2002 PA 132.

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

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

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

Rep. Ward moved that Rule 45 be suspended.

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

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

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

Roll Call No. 788

Yeas—107

Accavitti
Acciavatti
Adamini
Anderson

Emmons
Espinoza
Farhat
Farrah

Leland
Lemmons, III
Lemmons, Jr.
Lipsey

Rocca
Sak
Schuitmaker
Shaffer

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

Nays—0

In The Chair: Elsenheimer

The House agreed to the full title of the bill.
The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Sak moved that Rep. Donigan be excused temporarily from today's session.
The motion prevailed.

House Bill No. 5145, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 1/ to chapter IX.

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.

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the (S-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. 789

Yeas—106

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak

Adamini	Farrah	Lipsey	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Plakas	Whitmer
Dillon	LaJoy	Polidori	Williams
Drolet	Law, David	Proos	Wojno
Elsenheimer	Law, Kathleen	Robertson	Zelenko
Emmons	Leland		

Nays—0

In The Chair: Elsenheimer

The House agreed to the full title of the bill.

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

Rep. Donigan, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 789. Had I been present, I would have voted ‘yea’.”

House Bill No. 5270, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending sections 233, 234, 235, and 329 (MCL 750.233, 750.234, 750.235, and 750.329).

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 233, 234, 234a, 234b, 235, and 329 (MCL 750.233, 750.234, 750.234a, 750.234b, 750.235, and 750.329), section 234a as amended by 1996 PA 163 and section 234b as amended by 1992 PA 218.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the (S-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. 790

Yeas—107

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

Nays—0

In The Chair: Elsenheimer

The House agreed to the title as amended.

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

Associate Speaker Pro Tempore Caswell resumed the Chair.

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), 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.

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 substitute (S-3) made to the bill by the Senate,

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

The motion prevailed.

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 Senate has amended the bill as follows:

1. Amend page 1, line 3, after "ANY" by striking out the balance of the line through "CONTRACT" on line 4 and inserting "INDEBTEDNESS".

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

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

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

The motion prevailed.

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

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

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121.

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 substitute (S-1) made to the bill by the Senate,

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

The motion prevailed.

Second Reading of Bills

Senate Bill No. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

The bill was read a second time.

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, following line 17, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4546 of the 93rd Legislature is enacted into law."

The motion prevailed and 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. 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

Pending the Third Reading of
Senate Bill No. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

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

Second Reading of Bills

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.
The bill was read a second time.

Rep. Ward moved to amend the bill as follows:

1. Amend page 16, following line 15, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4646 of the 93rd Legislature is enacted into law."

The motion prevailed and 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. 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

Pending the Third Reading of
Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

Rep. Ward moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills.
The motion prevailed, a majority of the members present voting therefor.

Second Reading of Bills

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

Rep. Ward moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Ward. The motion prevailed, a majority of the members present voting therefor. The question being on the adoption of the amendment offered previously by Rep. Ward, The amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Pastor moved that Rep. Drolet be excused temporarily from today’s session. The motion prevailed.

Rep. Sak moved that Rep. Tobocman be excused temporarily from today’s session. The motion prevailed.

Rep. Phillips entered the House Chambers.

Rep. Ward moved to amend the bill as follows:

1. Amend page 16, following line 15, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4546 of the 93rd Legislature is enacted into law.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 791

Yeas—56

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

Nays—50

Accavitti	Cushingberry	Leland	Polidori
Adamini	Dillon	Lemmons, III	Sak
Anderson	Donigan	Lemmons, Jr.	Sheltrown
Angerer	Espinoza	Lipsey	Smith, Alma
Bennett	Farrah	Mayes	Smith, Virgil
Bieda	Gillard	McConico	Spade
Brown	Gleason	McDowell	Vagnozzi
Byrnes	Gonzales	Meisner	Waters

Byrum
Cheeks
Clack
Clemente
Condino

Hood
Hopgood
Hunter
Kolb
Law, Kathleen

Miller
Murphy
Phillips
Plakas

Whitmer
Williams
Wojno
Zelenko

In The Chair: Caswell

Rep. Bieda, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on the amendment to tie-bar House Bill 4546 to Senate Bill 530 because House Bill 4546 has no logical connection to neighborhood enterprise zones, and because amending Senate Bill 530 in such a manner will only delay an important piece of legislation for our state’s urban areas. House Bill 4546 presents some interesting, and complex issues of its own, and should be considered on that basis. Thus I voted ‘no’ on the tie-bar amendment.”

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. 530, entitled

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

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

The House returned to the consideration of

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 considered earlier today, see today’s Journal p. 2525.)

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. 792

Yeas—107

Accavitti
Acciavatti
Adamini
Anderson

Espinoza
Farhat
Farrah
Gaffney

Lemmons, III
Lemmons, Jr.
Lipsey
Marleau

Rocca
Sak
Schuitmaker
Shaffer

Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	Pavlov	Waters
Cushingberry	Kolb	Pearce	Wenke
DeRoche	Kooiman	Phillips	Whitmer
Dillon	LaJoy	Plakas	Williams
Donigan	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko
Emmons	Leland	Robertson	

Nays—0

In The Chair: Caswell

The House agreed to the full title of the bill.

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

Rep. Pastor moved that Reps. DeRoche and Huizenga be excused temporarily from today's session.
The motion prevailed.

The House returned to the consideration of

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 34 and 35 (MCL 28.734 and 28.735), section 34 as added by 2005 PA 127 and section 35 as added by 2005 PA 121.

(The bill was considered earlier today, see today's Journal p. 2525.)

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. 793

Yeas—106

Accavitti	Espinoza	Lemmons, Jr.	Rocca
Acciavatti	Farhat	Lipsey	Sak

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

Nays—0

In The Chair: Caswell

The House agreed to the title as amended.

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

The House returned to the consideration of

House Bill No. 4818, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 8d (MCL 125.2688d), as amended by 2004 PA 202.

(The bill was considered earlier today, see today’s Journal p. 2524.)

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 794**Yeas—107**

Accavitti	Espinoza	Lemmons, III	Rocca
Acciavatti	Farhat	Lemmons, Jr.	Sak
Adamini	Farrah	Lipse	Schuitmaker
Anderson	Gaffney	Marleau	Shaffer
Angerer	Garfield	Mayes	Sheen
Ball	Gillard	McConico	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
Cheeks	Hune	Palmer	Vander Veen
Clack	Hunter	Palsrok	Walker
Clemente	Jones	Pastor	Ward
Condino	Kahn	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	Leland	Robertson	

Nays—0

In The Chair: Caswell

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.

Second Reading of Bills

Senate Bill No. 341, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8395 (MCL 600.8395).
The bill was read a second time.

Rep. Huizenga moved to substitute (H-1) the bill.

The motion prevailed and 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 341, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 8395 (MCL 600.8395).
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 795

Yeas—103

Accavitti	Espinoza	Lipsey	Sak
Acciavatti	Farhat	Marleau	Schuitmaker

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

Nays—4

Drolet	Garfield	Gosselin	Hoogendyk
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In The Chair: Caswell

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

“An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,”

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.

The Speaker Pro Tempore assumed the Chair.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that Rule 45 be suspended.

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

Rep. Ward moved that the Committee on Transportation be discharged from further consideration of **House Bill No. 4853**.

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

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

Second Reading of Bills

The House returned to the consideration of

House Bill No. 5198, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 18 (MCL 552.18), as amended by 1991 PA 86. (The bill was considered earlier today, see today's Journal, p. 2515.)

Rep. Schuitmaker 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. 5198, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 18 (MCL 552.18), as amended by 1991 PA 86. Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 796

Yeas—108

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

Nays—0

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 1909 PA 259, entitled "An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof," by amending section 1 (MCL 552.101), as amended by 1985 PA 42.

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.

Reps. McConico, Anderson, Stewart, Phillips, Zelenko, Kolb, Vander Veen, Williams, Tobocman, Farrah, Pastor, LaJoy, Hopgood, Kathleen Law, Brandenburg, Wojno, Clack, DeRoche, Gleason, Shaffer, Nofs, Ward, Sak, Nitz, Moolenaar, Gillard, Casperson, Dillon, Booher, Byrnes, Caul, Clemente, Cushingberry, Espinoza, Gonzales, Jones, Leland, Lemmons, III, Lemmons, Jr., Marleau, McDowell, Mortimer, Pavlov, Polidori, Proos, Sheltroun and Alma Smith were named co-sponsors of the bill.

The House returned to the consideration of

Senate Bill No. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

(The bill was considered earlier today, see today's Journal p. 2525.)

Rep. Ward moved to reconsider the vote by which the House placed the bill on the order of Third Reading of Bills. The motion prevailed, a majority of the members present voting therefor.

Second Reading of Bills

Senate Bill No. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

Rep. Ward moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Ward.

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

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

Rep. Ward withdrew the amendment.

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. 529, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 6 and 7 (MCL 207.776 and 207.777).

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.

The House returned to the consideration of
Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217. (The bill was considered earlier today, see today's Journal, p. 2526.)

The question being on the passage of the bill,

Rep. Ward moved that Rule 67 be suspended.

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

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

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

Second Reading of Bills

Senate Bill No. 530, entitled

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending sections 2, 3, 4, 8, 10, 11, 12, and 13 (MCL 207.772, 207.773, 207.774, 207.778, 207.780, 207.781, 207.782, and 207.783), sections 2, 3, and 12 as amended by 2004 PA 396, section 4 as amended by 2004 PA 566, and sections 10 and 11 as amended by 2001 PA 217.

Rep. Ward moved to reconsider the vote by which the House adopted the amendment offered previously by Rep. Ward.

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

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

Rep. Ward withdrew the amendment.

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

The motion prevailed.

Quorum Call

Rep. Farhat 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. 797

Yeas—107

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

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

In The Chair: Kooiman

The Speaker Pro Tempore called Associate Speaker Pro Tempore Caswell to the Chair.

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 634**.
The motion prevailed.

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

Messages from the Senate

The Speaker laid before the House
House Bill No. 5438, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 14i, 57a, and 57f (MCL 400.14i, 400.57a, and 400.57f), section 14i as amended by 2004 PA 571, section 57a as amended by 1999 PA 26, and section 57f as amended by 2001 PA 280, and by adding section 57p.

(The bill was received from the Senate on December 8, 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. 107, p. 2493.)
The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Kooiman moved to substitute (H-2) the Senate substitute (S-1).
The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.
The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Mortimer moved to amend the Senate substitute (S-1), as substituted (H-2), as follows:

1. Amend page 1, line 2, after "after" by striking out "December 31, 2010" and inserting "**SEPTEMBER 30, 2009**".
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

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

Roll Call No. 798

Yeas—63

Acciavatti	Gaffney	Mayer	Schuitmaker
Angerer	Garfield	Meyer	Shaffer

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

Nays—44

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

In The Chair: Caswell

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 1939 PA 280, entitled “The social welfare act,” by amending sections 14i, 57, 57a, and 57e (MCL 400.14i, 400.57, 400.57a, and 400.57e), section 14i as amended by 2004 PA 571, section 57 as added by 1995 PA 223, section 57a as amended by 1999 PA 26, and section 57e as amended by 2001 PA 280, and by adding section 57w.

The motion prevailed.

The House agreed to the title as amended.

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ for HB 5438 (H-2) because it would impose a 48-month lifetime limit to welfare benefits, with no consideration of an individual recipient’s circumstances, even if a recipient were in full compliance with all requirements. Currently, there is no time limit in Michigan for receiving benefits, as long as recipients meet all eligibility requirements. While most states impose time limits of some kind, all states that impose time limits also allow for at least some exemptions that ‘stop the clock’ or extensions to increase the number of months of assistance to families. Time limits should only be enacted in Michigan if exceptions and/or extensions are also provided in order to ensure that recipients who are doing everything required of them, yet are still unable to earn wages due to barriers or other circumstances beyond their control, are not cut off from cash assistance benefits.”

The Speaker laid before the House
House Bill No. 5441, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

(The bill was received from the Senate on December 8, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 107, p. 2493.)

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

Rep. Kooiman moved to substitute (H-3) the Senate substitute (S-2).

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

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

Rep. Kooiman moved to amend the Senate substitute (S-2), as substituted (H-3), as follows:

1. Amend page 5, following line 11, by inserting:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 5439 of the 93rd Legislature is enacted into law."

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

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

Rep. Kooiman moved to amend the Senate substitute (S-2), as substituted (H-3), as follows:

1. Amend page 3, line 2, after "terminated." by striking out the balance of the subdivision.

2. Amend page 4, line 16, by striking out all of subsections (7) and (8) and inserting:

"(7) THE DEPARTMENT SHALL IMPLEMENT A SCHEDULE OF SANCTIONS FOR INSTANCES OF NONCOMPLIANCE AS DESCRIBED IN THIS SUBSECTION. AFTER TERMINATION OF FAMILY INDEPENDENCE PROGRAM ASSISTANCE THE PENALTY SHALL BE AS FOLLOWS:

(A) FOR THE FIRST INSTANCE OF NONCOMPLIANCE, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR MONTHS.

(B) FOR THE SECOND INSTANCE OF NONCOMPLIANCE, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR MONTHS.

(C) FOR A THIRD INSTANCE OF NONCOMPLIANCE IN A 24-MONTH PERIOD, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 24 CALENDAR MONTHS.

(8) FOR ALL INSTANCES OF NONCOMPLIANCE RESULTING IN TERMINATION OF FAMILY INDEPENDENCE ASSISTANCE FOR ANY PERIOD OF TIME, BOTH OF THE FOLLOWING APPLY:

(A) FAMILY INDEPENDENCE PROGRAM ASSISTANCE MAY BE APPROVED TO BEGIN AT THE CONCLUSION OF THE SANCTION PERIOD IF THE RECIPIENT ATTENDS A JOINT MEETING WITH HIS OR HER FAMILY INDEPENDENCE SPECIALIST CASEWORKER AND A WORK FIRST PROGRAM CASEWORKER AND THE FAMILY SELF-SUFFICIENCY PLAN IS REVIEWED, MODIFIED AS NECESSARY, AND APPROVED BY THE FAMILY INDEPENDENCE SPECIALIST CASEWORKER AND THE WORK FIRST PROGRAM CASEWORKER. THE REEVALUATION REQUIRED UNDER THIS SUBDIVISION SHALL INCLUDE A DISCUSSION AND OFFICIAL WARNING REGARDING SANCTIONS THAT MAY BE IMPOSED FOR FUTURE INSTANCES OF NONCOMPLIANCE.

(B) THE PERIOD OF TIME THE RECIPIENT IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE APPLIES TOWARD THE RECIPIENT'S 48-MONTH CUMULATIVE LIFETIME TOTAL."

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

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

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

Roll Call No. 799

Yeas—62

Acciavatti
 Angerer
 Ball
 Baxter

Garfield
 Gosselin
 Green
 Hansen

Meyer
 Moolenaar
 Moore
 Mortimer

Schuitmaker
 Shaffer
 Sheen
 Sheltroun

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

Nays—46

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

In The Chair: Caswell

The House agreed to the full title of the bill.

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on HB 5441 (H-3) because it would create ‘three strikes and you’re out’ penalties, which would terminate benefits to recipients for up to 30 months for ‘noncompliance’ with program requirements, without sufficient consideration for the circumstances of noncompliance. Noncompliance with requirements can result from circumstances which are beyond a recipient’s control, such as an instance of missing work because of a transportation problem or a sick child. While stricter sanctions may have a desirable impact on recipients who are intentionally abusing the system, recipients deserve to have a determination of the circumstances for any noncompliance before their benefits are terminated.”

The Speaker laid before the House

House Bill No. 5440, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 57q. (The bill was received from the Senate on December 8, 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. 107, p. 2493.)

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

Rep. Kooiman moved to substitute (H-2) the Senate substitute (S-1).

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

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

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

Roll Call No. 800**Yeas—63**

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

Nays—45

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

In The Chair: Caswell

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 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57p.

The motion prevailed.

The House agreed to the title as amended.

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:

"Mr. Speaker and members of the House:

I voted 'no' for HB 5440 (H-2) because it is fundamentally unfair to include assistance an applicant for benefits in Michigan received in other states of residence prior to coming to Michigan, toward the recipient's 48-month lifetime

limit to benefits. Benefits received in other states are not necessarily equivalent to Michigan’s benefits, and a new applicant for benefits would not be assured the resources for training and education intended to help them overcome barriers to employment and become self-sufficient.”

The Speaker laid before the House

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

(The bill was received from the Senate on December 8, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 107, p. 2493.)

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

Rep. Kooiman moved to substitute (H-2) the Senate substitute (S-2).

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

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

Rep. Kooiman moved to amend the Senate substitute (S-2), as substituted (H-2), as follows:

1. Amend page 4, following line 24, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 5441 of the 93rd Legislature is enacted into law.”.

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

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

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

Roll Call No. 801

Yeas—60

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

Nays—48

Accavitti	Condino	Law, Kathleen	Polidori
Adamini	Cushingberry	Leland	Sak
Anderson	Donigan	Lemmons, III	Smith, Alma
Angerer	Espinoza	Lemmons, Jr.	Smith, Virgil
Bennett	Farrah	Lipsey	Spade
Bieda	Gillard	Mayes	Tobocman
Brown	Gleason	McConico	Vagnozzi
Byrnes	Gonzales	Meisner	Waters

Byrum	Hood	Miller	Whitmer
Cheeks	Hopgood	Murphy	Williams
Clack	Hunter	Phillips	Wojno
Clemente	Kolb	Plakas	Zelenko

In The Chair: Caswell

The House agreed to the full title of the bill.

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ for HB 5439 (H-2) because it restructures the payment standards for cash assistance, lowering the amount of assistance to some recipients, and because it is tie-barred to HB 5441 (H-3), which creates punitive sanctions that could terminate benefits to recipients for up to 30 months, and count toward a 48-month lifetime limit to benefits, for noncompliance that may be outside of a recipient’s control.”

The Speaker laid before the House

House Bill No. 5442, entitled

A bill to amend 1939 PA 280, entitled “The social welfare act,” (MCL 400.1 to 400.119b) by adding section 570.

(The bill was received from the Senate on December 8, with substitute (S-2), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 107, p. 2493.)

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

Rep. Kooiman moved to substitute (H-2) the Senate substitute (S-2).

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

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

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

Roll Call No. 802

Yeas—100

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

Condino	Jones	Pastor	Walker
Cushingberry	Kahn	Pavlov	Ward
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	Proos	Zelenko

Nays—8

Cheeks	Hood	McConico	Smith, Virgil
Clack	Hunter	Murphy	Waters

In The Chair: Caswell

The House agreed to the full title of the bill.

Senate Bill No. 892, entitled

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” by amending section 57f (MCL 400.57f), as amended by 2001 PA 280, and by adding sections 57s, 57t, 57u, and 57v.

The Senate has substituted (S-2) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-2) and agreed to the title of the bill as amended.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) to the House substitute (H-1) made to the bill by the Senate,

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

Roll Call No. 803**Yeas—69**

Accavitti	Farhat	Mayes	Sak
Acciavatti	Gaffney	McDowell	Schuitmaker
Angerer	Garfield	Meyer	Shaffer
Ball	Gosselin	Moolenaar	Sheen
Baxter	Green	Moore	Sheltrown
Booher	Hansen	Mortimer	Spade
Brandenburg	Hildenbrand	Newell	Stahl
Byrnes	Hoogendyk	Nitz	Stakoe
Casperson	Huizenga	Nofs	Steil

Caswell	Hummel	Palmer	Stewart
Caul	Hune	Palsrok	Taub
Clemente	Jones	Pastor	Van Regenmorter
DeRoche	Kahn	Pavlov	Vander Veen
Dillon	Kooiman	Pearce	Walker
Drolet	LaJoy	Proos	Ward
Elsenheimer	Law, David	Robertson	Wenke
Emmons	Marleau	Rocca	Wojno
Espinoza			

Nays—39

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

In The Chair: Caswell

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:
 “Mr. Speaker and members of the House:

I voted ‘no’ for SB 892 (S-2) because it is tie-barred to HB 5438 (H-2), which would impose a 48-month lifetime limit to welfare benefits, with no consideration of an individual recipient’s circumstances, even if a recipient were in full compliance with all requirements. Currently, there is no time limit in Michigan for receiving benefits, as long as recipients meet all eligibility requirements. While most states impose time limits of some kind, all states that impose time limits also allow for at least some exemptions that ‘stop the clock’ or extensions to increase the number of months of assistance to families. Time limits should only be enacted in Michigan if exceptions and/or extensions are also provided in order to ensure that recipients who are doing everything required of them, yet are still unable to earn wages due to barriers or other circumstances beyond their control, are not cut off from cash assistance benefits.”

Rep. Sak moved that Rep. Adamini be excused temporarily from today’s session.
 The motion prevailed.

Senate Bill No. 893, entitled

A bill to amend 1939 PA 280, entitled “An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and

agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates,” (MCL 400.1 to 400.119b) by adding sections 57q and 57r.

The Senate has substituted (S-2) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-2), ordered that the bill be given immediate effect and agreed to the title as amended.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) to the House substitute (H-1) made to the bill by the Senate,

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

Roll Call No. 804

Yeas—69

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

Nays—38

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

In The Chair: Caswell

Rep. Lemmons, III, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ for SB 893 (S-2) because providing information to recipient’s whose benefits may be terminated about other resources which may exist will do very little in these hard economic times to help a family with no income or resources put food on their table or pay their rent.”

Senate Bill No. 894, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57d (MCL 400.57d), as amended by 2001 PA 280.

The Senate has substituted (S-2) the House substitute (H-1).

The Senate has concurred in the House substitute (H-1) as substituted (S-2), ordered that the bill be given immediate effect and agreed to the title as amended.

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the substitute (S-2) to the House substitute (H-1) made to the bill by the Senate,

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

Roll Call No. 805**Yeas—68**

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

Nays—40

Adamini	Cushingberry	Law, Kathleen	Plakas
Anderson	Donigan	Leland	Polidori
Bennett	Farrah	Lemmons, III	Smith, Alma
Bieda	Gillard	Lemmons, Jr.	Smith, Virgil
Brown	Gleason	Lipsey	Tobocman
Byrum	Gonzales	McConico	Vagnozzi
Cheeks	Hood	Meisner	Waters
Clack	Hopgood	Miller	Whitmer

Clemente
Condino

Hunter
Kolb

Murphy
Phillips

Williams
Zelenko

In The Chair: Caswell

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Ward moved to vacate the enrollment of **House Bill No. 5397**.
The motion prevailed.

Messages from the Senate

House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions," by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121. (The bill was enrolled earlier today, see today's Journal, p. 2529.)

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

Second Reading of Bills

House Bill No. 5487, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 7jj and 9k.

The bill was read a second time.

Rep. Hune 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. Hune 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. Pastor moved that Rep. Huizenga 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. 5487, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," (MCL 211.1 to 211.157) by adding sections 7jj and 9k.

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

Roll Call No. 806**Yeas—70**

Accavitti	Gaffney	Law, David	Proos
Acciavatti	Garfield	Law, Kathleen	Robertson
Ball	Gillard	Leland	Rocca
Baxter	Gosselin	Lemmons, III	Schuitmaker
Booher	Green	Lipsey	Shaffer
Brandenburg	Hansen	Marleau	Sheen
Brown	Hildenbrand	Meyer	Smith, Virgil
Casperson	Hood	Moolenaar	Stahl
Caswell	Hoogendyk	Moore	Steil
Caul	Hopgood	Mortimer	Stewart
Cheeks	Hummel	Newell	Taub
DeRoche	Hune	Nitz	Tobocman
Dillon	Hunter	Nofs	Van Regenmorter
Drolet	Jones	Palmer	Vander Veen
Elsenheimer	Kahn	Palsrok	Walker
Emmons	Kolb	Pastor	Ward
Farhat	Kooiman	Pavlov	Wenke
Farrah	LaJoy		

Nays—37

Adamini	Cushingberry	Meisner	Smith, Alma
Anderson	Donigan	Miller	Spade
Angerer	Espinoza	Murphy	Stakoe
Bennett	Gleason	Pearce	Vagnozzi
Bieda	Gonzales	Phillips	Waters
Byrnes	Lemmons, Jr.	Plakas	Whitmer
Byrum	Mayes	Polidori	Williams
Clack	McConico	Sak	Wojno
Clemente	McDowell	Sheltrown	Zelenko
Condino			

In The Chair: Caswell

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. Bieda, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘no’ on House Bill 5487 (H-2) for a number of reasons. First of all, it circumvents the judicial system with a special interest bill literally rushed through the legislature without the benefit of a committee hearing. The bill was introduced on December 7, and discharged from committee without a hearing — all within a couple of days. Dear colleagues, this is not the way to discharge our duties as legislators. If there was a committee hearing, testimony would have been presented that the underlying case went before the Michigan Tax Tribunal twice, as well as the Court of Appeals. In all three cases, the courts found that the Howell-based supporting housing unit didn’t meet the definition of a charitable entity. Yet this legislature, in perhaps one of the clearest examples of ‘its not what you know but who

you know,' has decided that special interest tax fixes can be rushed through the legislative process. If enacted, this would set a terrible precedent of overriding local control. I don't believe that it is good policy for the legislature to enact special fixes every time a constituent receives an unfavorable decision from its local unit of government — especially when the legislation only benefits the one tax payer. Because of these concerns, I voted 'no' on House Bill 5487.”

Second Reading of Bills

Senate Bill No. 456, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

The bill was read a second time.

Rep. McConico moved to amend the bill as follows:

1. Amend page 2, following line 10, by inserting:

“Sec. 525. (1) Except as otherwise provided for in this section, the following license **AND PERMIT** fees shall be paid at the time of filing **LICENSE, PERMIT, OR RENEWAL** applications or as otherwise provided in this act:

(a) Manufacturers of spirits, but not including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, \$1,000.00.

(b) Manufacturers of beer, \$50.00 per 1,000 barrels, or fraction of a barrel, production annually with a maximum fee of \$1,000.00, and in addition \$50.00 for each motor vehicle used in delivery to retail licensees. A fee increase does not apply to a manufacturer of less than 15,000 barrels production per year.

(c) Outstate seller of beer, delivering or selling beer in this state, \$1,000.00.

(d) Wine makers, blenders, and rectifiers of wine, including makers, blenders, and rectifiers of wines containing 21% or less alcohol by volume, \$100.00. The small wine maker license fee is \$25.00.

(e) Outstate seller of wine, delivering or selling wine in this state, \$300.00.

(f) Outstate seller of mixed spirit drink, delivering or selling mixed spirit drink in this state, \$300.00.

(g) Dining cars or other railroad or Pullman cars selling alcoholic liquor, \$100.00 per train.

(h) Wholesale vendors other than manufacturers of beer, \$300.00 for the first motor vehicle used in delivery to retail licensees and \$50.00 for each additional motor vehicle used in delivery to retail licensees.

(i) Watercraft, licensed to carry passengers, selling alcoholic liquor, a minimum fee of \$100.00 and a maximum fee of \$500.00 per year computed on the basis of \$1.00 per person per passenger capacity.

(j) Specially designated merchants, for selling beer or wine for consumption off the premises only but not at wholesale, \$100.00 for each location regardless of the fact that the location may be a part of a system or chain of merchandising.

(k) Specially designated distributors licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises, \$150.00 per year, and an additional fee of \$3.00 for each \$1,000.00 or major fraction of that amount in excess of \$25,000.00 of the total retail value of merchandise purchased under each license from the commission during the previous calendar year.

(l) Hotels of class A selling beer and wine, a minimum fee of \$250.00 and, for all bedrooms in excess of 20, \$1.00 for each additional bedroom, but not more than \$500.00.

(m) Hotels of class B selling beer, wine, mixed spirit drink, and spirits, a minimum fee of \$600.00 and, for all bedrooms in excess of 20, \$3.00 for each additional bedroom. If a hotel of class B sells beer, wine, mixed spirit drink, and spirits in more than 1 public bar, the fee entitles the hotel to sell in only 1 public bar, other than a bedroom, and a license shall be secured for each additional public bar, other than a bedroom, the fee for which is \$350.00.

(n) Taverns, selling beer and wine, \$250.00.

(o) Class C license selling beer, wine, mixed spirit drink, and spirits, \$600.00. If a class C licensee sells beer, wine, mixed spirit drink, and spirits in more than 1 bar, a fee of \$350.00 shall be paid for each additional bar. In municipally owned or supported facilities in which nonprofit organizations operate concession stands, a fee of \$100.00 shall be paid for each additional bar.

(p) Clubs selling beer, wine, mixed spirit drink, and spirits, \$300.00 for clubs having 150 or fewer duly accredited members and \$1.00 for each additional member. The membership list for the purpose only of determining the license fees to be paid under this subdivision shall be the accredited list of members as determined by a sworn affidavit 30 days before the closing of the license year. This subdivision does not prevent the commission from checking a membership list and making its own determination from the list or otherwise. The list of members and additional members is not required of a club paying the maximum fee. The maximum fee shall not exceed \$750.00 for any 1 club.

(q) Warehousemen, to be fixed by the commission with a minimum fee for each warehouse of \$50.00.

(r) Special licenses, a fee of \$50.00 per day, except that the fee for that license or permit issued to any bona fide nonprofit association, duly organized and in continuous existence for 1 year before the filing of its application, is \$25.00. Not more than 5 special licenses may be granted to any organization, including an auxiliary of the organization, in a calendar year.

(s) Airlines licensed to carry passengers in this state that sell, offer for sale, provide, or transport alcoholic liquor, \$600.00.

(t) Brandy manufacturer, \$100.00.

(u) Mixed spirit drink manufacturer, \$100.00.

(v) Brewpub, \$100.00.

(w) Class G-1, \$1,000.00.

(x) Class G-2, \$500.00.

(y) Motorsports event license, \$250.00.

(Z) LATE NIGHT PERMIT, \$1,000.00.

(AA) SUNDAY MORNING PERMIT, \$500.00.

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license. Notwithstanding subsection (1), the initial license fee for any licenses issued under section 531(3) and (4) is \$20,000.00. The renewal license fee shall be the amount described in subsection (1). However, the commission shall not impose the \$20,000.00 initial license fee for applicants whose license eligibility was already approved on July 20, 2005.

(3) Beginning July 23, 2004, and except in the case of any resort or resort economic development license issued under section 531(2), (3), (4), and (5) and a license issued under section 521, the commission shall issue an initial or renewal license **OR PERMIT** not later than 90 days after the applicant files a completed application. Receipt of the application is considered the date the application is received by any agency or department of the state of Michigan. If the application is considered incomplete by the commission, the commission shall notify the applicant in writing, or make the information electronically available, within 30 days after receipt of the incomplete application, describing the deficiency and requesting the additional information. The determination of the completeness of an application does not operate as an approval of the application for the license and does not confer eligibility upon an applicant determined otherwise ineligible for issuance of a license **OR PERMIT**. The 90-day period is tolled under any of the following circumstances:

(a) Notice sent by the commission of a deficiency in the application until the date all of the requested information is received by the commission.

(b) The time period during which actions required by a party other than the applicant or the commission are completed that include, but are not limited to, completion of construction or renovation of the licensed premises; mandated inspections by the commission or by any state, local, or federal agency; approval by the legislative body of a local unit of government; criminal history or criminal record checks; financial or court record checks; or other actions mandated by this act or rule or as otherwise mandated by law or local ordinance.

(4) If the commission fails to issue or deny a license **OR PERMIT** within the time required by this section, the commission shall return the license **OR PERMIT** fee and shall reduce the license fee for the applicant's next renewal application, if any, by 15%. The failure to issue a license **OR PERMIT** within the time required under this section does not allow the commission to otherwise delay the processing of the application, and that application, upon completion, shall be placed in sequence with other completed applications received at that same time. The commission shall not discriminate against an applicant in the processing of the application based upon the fact that the license fee was refunded or discounted under this subsection.

(5) Beginning October 1, 2005, the chair of the commission shall submit a report by December 1 of each year to the standing committees and appropriations subcommittees of the senate and house of representatives concerned with liquor license issues. The chair of the commission shall include all of the following information in the report concerning the preceding fiscal year:

(a) The number of initial and renewal applications the commission received and completed within the 90-day time period described in subsection (3).

(b) The number of applications denied.

(c) The number of applicants not issued a license **OR PERMIT** within the 90-day time period and the amount of money returned to licensees under subsection (4).

(6) As used in this section, "completed application" means an application complete on its face and submitted with any applicable licensing **OR PERMIT** fees as well as any other information, records, approval, security, or similar item required by law or rule from a local unit of government, a federal agency, or a private entity but not from another department or agency of the state of Michigan.

Sec. 543. (1) Quarterly, upon recommendation of the commission, the state shall pay pursuant to appropriation in the manner prescribed by law to the city, village, or township in which a full-time police department or full-time ordinance enforcement department is maintained or, if a police department or full-time ordinance enforcement department is not maintained, to the county, to be credited to the sheriff's department of the county in which the

licensed premises are located, 55% of the amount of the proceeds of the retailers' license fees and license renewal fees collected in that jurisdiction, for the specific purpose of enforcing this act and the rules promulgated under this act. Forty-one and one-half percent of the amount of the proceeds of retailers' license and license renewal fees collected shall be deposited in a special fund to be annually appropriated to the commission for carrying out the licensing and enforcement provisions of this act. Any unencumbered or uncommitted money in the special fund shall revert to the general fund of the state 12 months after the end of each fiscal year in which the funds were collected. The legislature shall appropriate 3-1/2% of the amount of the proceeds of retailers' license and license renewal fees collected to be credited to a special fund in the state treasury for the purposes of promoting and sustaining programs for the prevention, rehabilitation, care, and treatment of alcoholics. This subsection does not apply to retail license fees collected for railroad or Pullman cars, watercraft, or aircraft, or to the transfer fees provided in section 529.

(2) All license and license renewal fees, other than retail license and license renewal fees **AND PERMIT FEES UNDER SECTION 525(1)(Z) AND (AA)**, shall be credited to the grape and wine industry council created in section 303, to be used as provided in section 303. Money credited to the grape and wine industry council shall not revert to the state general fund at the close of the fiscal year, but shall remain in the account to which it was credited to be used as provided in section 303.

(3) All retail license fees collected for railroad or Pullman cars, watercraft, or aircraft, and the transfer fees provided in section 529 shall be deposited in the special fund created in subsection (1) for carrying out the licensing and enforcement provisions of this act.

(4) The license fee enhancement imposed for licenses issued under section 531(3) and (4) shall be deposited into a special fund to be annually appropriated to the commission for enforcement and other related projects determined appropriate by the commission. The money representing that amount of the license fees for identical licenses not issued under section 531(3) and (4) shall be allocated and appropriated under subsection (1).

(5) PERMIT FEES FOR THE LATE NIGHT PERMITS AND SUNDAY MORNING PERMITS IMPOSED IN SECTION 525(1)(Z) AND (AA) SHALL BE DEPOSITED INTO THE REVOLVING FUND CREATED IN SECTION 221 FOR REALLOCATION AND APPROPRIATION AS FIRE PROTECTION GRANTS.

~~(6)~~ As used in this section, "license fee enhancement" means the money representing the difference between the license fee imposed for a license under section 525(1) and the additional amount imposed for resort and resort economic development licenses under section 525(2).

Sec. 1114. (1) Notwithstanding R 436.1403 and R 436.1503 of the Michigan administrative code and except as otherwise provided under this act or rule of the commission, an on-premises and an off-premises licensee shall not sell, give away, or furnish alcoholic liquor between the hours of 2 a.m. and 7 a.m. on any day and shall not sell, give away, or furnish alcoholic liquor between the hours of 2 a.m. and 12 noon, EST, on Sunday. ~~Am~~

(2) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF THE MICHIGAN ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED UNDER THIS ACT OR RULE OF THE COMMISSION, AN on-premises and an off-premises licensee shall not sell, give away, or furnish spirits between the hours of 2 a.m. and 12 midnight on Sunday, unless issued a Sunday sales permit by the commission that allows the licensee to sell spirits on Sunday between the hours of 12 noon, EST, and 12 midnight.

~~(3)~~ For purposes of R 436.1403 and R 436.1503 of the Michigan administrative code, 12 noon on Sunday is considered 12 noon on Sunday, EST, for any licensee located in the central time zone.

~~(4)~~ A reference to the time of day under this act or a rule of the commission includes daylight savings time, when observed.

(5) THIS SECTION IS SUBJECT TO ANY LATE NIGHT AND SUNDAY MORNING PERMITS ISSUED UNDER SECTIONS 1116 AND 1117.

SEC. 1116. (1) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF THE MICHIGAN ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) AND THIS CHAPTER, A CLASS C LICENSEE MAY SELL OR FURNISH ALCOHOLIC LIQUOR FROM 2 A.M. UNTIL 4 A.M., EST, ON TUESDAY MORNING THROUGH SUNDAY MORNING DURING THE TIME PERIOD OF JANUARY 28 THROUGH FEBRUARY 6, 2006, IF THAT LICENSEE HOLDS A LATE NIGHT PERMIT ISSUED UNDER THIS SECTION BY THE COMMISSION.

(2) A CLASS C LICENSEE WISHING TO SELL ALCOHOLIC LIQUOR FROM 2 A.M. UNTIL 4 A.M., EST, ON TUESDAY MORNING THROUGH SUNDAY MORNING DURING THE TIME PERIOD OF JANUARY 28 THROUGH FEBRUARY 6, 2006, SHALL APPLY TO THE COMMISSION FOR A LATE NIGHT PERMIT AND PAY THE ADDITIONAL FEE DESCRIBED IN SECTION 525. THE COMMISSION SHALL ISSUE A LATE NIGHT PERMIT TO AN APPLICANT NOT PROHIBITED UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (3).

(3) THE COMMISSION SHALL NOT ISSUE A LATE NIGHT PERMIT TO A RETAILER LOCATED WITHIN ANY OF THE FOLLOWING:

(A) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT PROHIBITS THE SALE OF BEER AND WINE FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT, EST, ON SUNDAY PURSUANT TO SECTION 1111.

(B) A COUNTY THAT HAS NOT AUTHORIZED THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, OR BOTH, AFTER 12 NOON, EST, ON SUNDAYS PURSUANT TO SECTION 1113.

(C) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT HAS PASSED A RESOLUTION PROHIBITING THE ISSUANCE OF LATE NIGHT PERMITS DURING THE TIME PERIOD OF JANUARY 28 THROUGH FEBRUARY 6, 2006.

(4) A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY, BY RESOLUTION DULY PASSED, PROHIBIT THE ISSUANCE OF LATE NIGHT PERMITS DURING THE TIME PERIOD OF JANUARY 28 THROUGH FEBRUARY 6, 2006.

(5) THE ISSUANCE OF A LATE NIGHT PERMIT UNDER THIS SECTION ONLY ALLOWS THE PERMIT HOLDER TO SELL OR FURNISH THE TYPE OF ALCOHOLIC LIQUOR AUTHORIZED BY ITS LICENSE.

SEC. 1117. (1) NOTWITHSTANDING R 436.1403 AND R 436.1503 OF THE MICHIGAN ADMINISTRATIVE CODE AND EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) AND THIS CHAPTER, A CLASS C LICENSEE MAY SELL OR FURNISH ALCOHOLIC LIQUOR BETWEEN THE HOURS OF 9 A.M. AND 12 NOON, EST, ON SUNDAY JANUARY 29, 2006 AND FEBRUARY 5, 2006, IF THAT LICENSEE HOLDS A SUNDAY MORNING PERMIT ISSUED UNDER THIS SECTION BY THE COMMISSION.

(2) A CLASS C LICENSEE WISHING TO SELL ALCOHOLIC LIQUOR BETWEEN THE HOURS OF 9 A.M. AND 12 NOON, EST, ON SUNDAY JANUARY 29, 2006 AND FEBRUARY 5, 2006, SHALL APPLY TO THE COMMISSION FOR A SUNDAY MORNING PERMIT AND PAY THE ADDITIONAL FEE DESCRIBED IN SECTION 525. THE COMMISSION SHALL ISSUE A SUNDAY MORNING PERMIT TO AN APPLICANT NOT PROHIBITED UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (3).

(3) THE COMMISSION SHALL NOT ISSUE A SUNDAY MORNING PERMIT TO A RETAILER LOCATED WITHIN ANY OF THE FOLLOWING:

(A) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT PROHIBITS THE SALE OF BEER AND WINE FOR CONSUMPTION ON AND OFF THE LICENSED PREMISES BETWEEN THE HOURS OF 2 A.M. AND 12 MIDNIGHT, EST, ON SUNDAY PURSUANT TO SECTION 1111.

(B) A COUNTY THAT HAS NOT AUTHORIZED THE SALE OF SPIRITS AND MIXED SPIRIT DRINK FOR CONSUMPTION ON OR OFF THE LICENSED PREMISES, OR BOTH, AFTER 12 NOON, EST, ON SUNDAYS PURSUANT TO SECTION 1113.

(C) A COUNTY, CITY, VILLAGE, OR TOWNSHIP THAT HAS PASSED A RESOLUTION PROHIBITING THE ISSUANCE OF SUNDAY MORNING PERMITS FOR JANUARY 29, 2006 AND FEBRUARY 5, 2006.

(4) A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY, BY RESOLUTION DULY PASSED, PROHIBIT THE ISSUANCE OF SUNDAY MORNING PERMITS FOR JANUARY 29, 2006 AND FEBRUARY 5, 2006.

(5) THE ISSUANCE OF A SUNDAY MORNING PERMIT UNDER THIS SECTION ONLY ALLOWS THE PERMIT HOLDER TO SELL OR FURNISH THE TYPE OF ALCOHOLIC LIQUOR AUTHORIZED BY ITS LICENSE.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 456, entitled

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” by amending section 229 (MCL 436.1229), as amended by 2004 PA 407.

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

Roll Call No. 807

Yeas—107

Accavitti
Acciavatti
Adamini

Emmons
Espinoza
Farhat

Lemmons, III
Lemmons, Jr.
Lipsey

Rocca
Sak
Schuitmaker

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

Nays—1

Hood

In The Chair: Caswell

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

“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,”

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.

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5480, entitled

A bill to amend 1985 PA 106, entitled “State convention facility development act,” by amending section 9 (MCL 207.629), as amended by 2004 PA 386.

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.

Introduction of Bills

Reps. Schuitmaker, David Law, Wojno, Meisner, Brown, Adamini, Whitmer, Plakas, Accavitti, Hune, Gaffney, Tobocman, Alma Smith, Vander Veen, Stewart, Nofs, Donigan, Condino, Hopgood, Steil, Jones, Hansen, Lipsey, Gonzales and Leland introduced

House Bill No. 5495, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 6 (MCL 552.6).

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

Reps. Byrnes, David Law, Wojno, Meisner, Brown, Adamini, Whitmer, Plakas, Accavitti, Hune, Gaffney, Tobocman, Alma Smith, Vander Veen, Stewart, Nofs, Donigan, Condino, Hopgood, Steil, Jones, Hansen, Lipsey, Gonzales and Leland introduced

House Bill No. 5496, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 9f (MCL 552.9f).

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

Rep. Hune introduced

House Bill No. 5497, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1204c (MCL 500.1204c), as amended by 2005 PA 247.

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

Rep. Kolb introduced

House Bill No. 5498, entitled

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

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

Rep. Kolb introduced

House Bill No. 5499, entitled

A bill to amend 1982 PA 325, entitled "An act to authorize county sheriffs to declare a county jail overcrowding state of emergency; to prescribe the powers and duties of certain judges, county sheriffs, and other county officials; and to provide remedies for a county jail overcrowding state of emergency," by amending section 1 (MCL 801.51).

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

Rep. Kolb introduced

House Bill No. 5500, entitled

A bill to amend 1846 RS 13, entitled "Of counties," by amending section 16 (MCL 45.16).

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

Rep. Kolb introduced

House Bill No. 5501, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 62, 62b, and 62c (MCL 791.262, 791.262b, and 791.262c), section 62 as amended by 1987 PA 251, section 62b as amended by 2000 PA 211, and section 62c as amended by 1988 PA 293.

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

Rep. Kolb introduced

House Bill No. 5502, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 2004 PA 544.

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

Reps. Accavitti, Wojno, Tobocman, Condino, Spade, Dillon, Espinoza, Palsrok, Kolb, Stakoe, Hune, Stewart, Moore, Gaffney, David Law, Proos, Emmons, Pavlov, Gosselin, Rocca, McDowell, Farhat, Ward, Acciavatti and Cushingberry introduced

House Bill No. 5503, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.

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

Reps. Accavitti, Byrnes, Wojno, Tobocman, Condino, Spade, Miller, Bieda, Kolb, Kooiman, Gaffney, David Law, Cushingberry, Sak and Farhat introduced

House Bill No. 5504, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1319.

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

Reps. Accavitti, Wojno, Miller and Cushingberry introduced

House Bill No. 5505, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

Reps. Byrnes, Byrum, Plakas, Polidori, Stakoe, Gillard, Sheltroun, Gaffney, Sheen, Mayes, Gleason, Kathleen Law, Anderson, Hopgood, Brown, Adamini, Meisner and Vagnozzi introduced

House Bill No. 5506, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 601b (MCL 257.601b), as amended by 2003 PA 314.

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

Reps. Byrnes, Byrum, Plakas, Polidori, Stakoe, Gillard, Sheltroun, Gaffney, Sheen, Mayes, Gleason, Kathleen Law, Anderson, Hopgood, Brown, Adamini, Meisner and Vagnozzi introduced

House Bill No. 5507, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12e of chapter XVII (MCL 777.12e), as amended by 2004 PA 26.

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

Reps. Pavlov, Kahn, LaJoy, Nitz, Huizenga, Gaffney, Kathleen Law, Espinoza and Miller introduced

House Bill No. 5508, entitled

A bill to amend 1984 PA 44, entitled "Motor fuels quality act," by amending the title and sections 2, 3, 5, 9b, 9d, 9g, 9h, 9i, 9j, 10b, 10c, and 10d (MCL 290.642, 290.643, 290.645, 290.649b, 290.649d, 290.649g, 290.649h, 290.649i, 290.649j, 290.650b, 290.650c, and 290.650d), the title and section 2 as amended and sections 9b, 9d, 9g, 9h, 9j, and 10c as added by 1993 PA 236, sections 3, 5, and 10b as amended by 2002 PA 13, section 9i as amended by 2004 PA 278, and section 10d as added by 1993 PA 231, and by adding sections 9k and 9l; and to repeal acts and parts of acts.

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

Reps. Bieda, Condino and Drolet introduced

House Bill No. 5509, entitled

A bill to provide compensation for individuals wrongly imprisoned for crimes; to prescribe the powers and duties of certain state governmental officers and agencies; and to provide remedies.

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

Reps. Leland, Hune, Anderson, Hopgood, Espinoza, McDowell, Cushingberry, Meisner, Plakas, Lipsey, Virgil Smith, Green, David Law, Kahn and Sheen introduced

House Bill No. 5510, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," (MCL 206.1 to 206.532) by adding section 275.

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

The Speaker Pro Tempore resumed the Chair.

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

The House returned to the consideration of
House Bill No. 5397, entitled

A bill to amend 1994 PA 295, entitled “An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions,” by amending sections 5a, 34, and 35 (MCL 28.725a, 28.734, and 28.735), section 5a as amended by 2004 PA 240, section 34 as added by 2005 PA 127, and section 35 as added by 2005 PA 121.

(The bill was considered earlier today, see today’s Journal p. 2547.)

Rep. Ward moved to reconsider the vote by which the House concurred in the Senate substitute (S-1).
The motion prevailed, a majority of the members serving voting therefor.
The question being on concurring in the substitute (S-1) made to the bill by the Senate,

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

1. Amend page 8, line 24, after “zone” by striking out the balance of the subdivision and inserting a period.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 808

Yeas—108

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

Nays—0

In The Chair: Kooiman

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

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

Roll Call No. 809**Yeas—108**

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

Nays—0

In The Chair: Kooiman

Second Reading of Bills**Senate Bill No. 624, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

The bill was read a second time.

Rep. LaJoy moved to substitute (H-1) the bill.

The motion prevailed and 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.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 624, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 80.

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

Roll Call No. 810

Yeas—108

Accavitti	Emmons	Leland	Robertson
Acciavatti	Espinoza	Lemmons, III	Rocca
Adamini	Farhat	Lemmons, Jr.	Sak
Anderson	Farrah	Lipsey	Schuitmaker
Angerer	Gaffney	Marleau	Shaffer
Ball	Garfield	Mayes	Sheen
Baxter	Gillard	McConico	Sheltrown
Bennett	Gleason	McDowell	Smith, Alma
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	Pavlov	Waters
DeRoche	Kolb	Pearce	Wenke
Dillon	Kooiman	Phillips	Whitmer
Donigan	LaJoy	Plakas	Williams
Drolet	Law, David	Polidori	Wojno
Elsenheimer	Law, Kathleen	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 2001 PA 142, entitled "An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions," (MCL 250.1001 to 250.2080) by adding section 92.

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.

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

The Senate returned, in accordance with the request of the House

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 bill was passed on December 7, see House Journal No. 106, p. 2452.)

Rep. Ward moved that Rule 67 be suspended.

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

Rep. Ward moved to reconsider the vote by which the House passed the bill.

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

Third Reading of Bills

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 question being on the passage of the bill,

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

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

Second Reading of Bills

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.

Rep. Ward moved to reconsider the vote by which the House adopted the amendments offered previously by Rep. David Law.

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

Rep. David Law moved that the amendment No. 4 be considered separately.

The motion prevailed.

The question being on the adoption of amendment Nos. 1, 2, and 3 offered previously by Rep. David Law,

Rep. David Law withdrew the amendments.

The question being on the adoption of amendment No. 4 offered previously by Rep. David Law,

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

Rep. David Law moved to amend the bill as follows:

1. Amend page 2, line 3, after "**1**," by striking out "**2007**" and inserting "**2008**".
2. Amend page 2, line 8, after "**BY**" by striking out "**2.5%**" and inserting "**3.75%**".
3. Amend page 2, line 9, after "**BY**" by striking out "**2.5%**" and inserting "**3.75%**".
4. Amend page 2, line 10, after "**BY**" by striking out "**95%**" and inserting "**92.5%**".
5. Amend page 2, line 11, after "**31**," by striking out "**2006**" and inserting "**2007**".
6. Amend page 2, line 15, after "**BY**" by striking out the balance of the subsection and inserting "**A PERCENTAGE, WHICH IS THE SUM OF ALL OF THE FOLLOWING PERCENTAGES:**
(A) THE PROPERTY FACTOR MULTIPLIED BY 2.5%.
(B) THE PAYROLL FACTOR MULTIPLIED BY 2.5%.
(C) THE SALES FACTOR MULTIPLIED BY 95%."

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

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

The motion prevailed.

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. 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 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. 811

Yeas—107

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

Nays—1

Bennett

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. 203, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

The bill was read a second time.

Rep. Kahn moved to substitute (H-1) the bill.

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

Rep. Kahn moved to amend the bill as follows:

1. Amend page 4, line 15, after "\$1,300,000,000.00" by inserting "IN THIS STATE".
2. Amend page 5, line 5, after "PLANT" by inserting "LOCATED IN THIS STATE".
3. Amend page 5, line 27, after "act." by inserting "FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2005, FOR A TAXPAYER THAT HAS FILED FOR BANKRUPTCY PROTECTION UNDER FEDERAL LAW IN CALENDAR YEAR 2005 AND FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2006 FOR ALL OTHER TAXPAYERS, THIS SUBDIVISION APPLIES ONLY TO SALES THAT ORIGINATE FROM A PLANT LOCATED IN THIS STATE.".
4. Amend page 6, line 5, after "seller." by inserting "FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2005, FOR A TAXPAYER THAT HAS FILED FOR BANKRUPTCY PROTECTION UNDER FEDERAL LAW IN CALENDAR YEAR 2005 AND FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2006 FOR ALL OTHER TAXPAYERS, THIS SUBDIVISION APPLIES ONLY TO SALES THAT ORIGINATE FROM A PLANT LOCATED IN THIS STATE TO A LOCATION IN THIS STATE.".
5. Amend page 7, line 6, after "FAILED" by inserting "TO MAINTAIN THE REQUIRED NUMBER OF EMPLOYEES OR FAILED".

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

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

The motion prevailed.

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. 203, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 54 (MCL 208.54), as added by 1999 PA 115.

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

Roll Call No. 812

Yeas—106

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

Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	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	Leland		

Nays—2

Bennett Smith, Alma

In The Chair: Kooiman

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

“An act to provide for the 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,”

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

Senate Bill No. 910, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35i. The bill was read a second time.

Rep. Sheen moved to substitute (H-1) the bill.

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

Rep. Sheen moved to amend the bill as follows:

1. Amend page 2, line 20, after “STATE” by inserting “**OR, IF THE JOBS QUALIFY UNDER SUBSECTION (9)(E)(III)(B), AT THE FACILITY,**”.
2. Amend page 2, line 21, after “WHICH” by striking out “A CREDIT UNDER THIS SECTION WAS CLAIMED” and inserting “**THE TRANSFERRED JOBS WERE MOVED TO THIS STATE**”.
3. Amend page 3, line 17, after “SITES” by inserting “**IN THIS STATE**”.
4. Amend page 4, line 16, after “IN” by inserting “**THE TAX YEAR IN WHICH THE TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION OR IN**”.
5. Amend page 4, line 20, after the second “THE” by inserting “**TAX YEAR IN WHICH THE TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION OR THE IMMEDIATELY PRECEDING**”.
6. Amend page 4, line 22, by striking out “**IMMEDIATELY PRECEDING**”.
7. Amend page 4, line 22, after “YEAR” by inserting “**IMMEDIATELY PRECEDING THAT YEAR**”.
8. Amend page 4, line 26, after the first “THE” by striking out “**TRANSFERRED**”.

9. Amend page 4, line 27, after the second “THE” by inserting “TAX YEAR IN WHICH THE TAXPAYER CLAIMS A CREDIT UNDER THIS SECTION OR THE IMMEDIATELY PRECEDING”.

10. Amend page 5, line 3, by striking out “IMMEDIATELY PRECEDING”.

11. Amend page 5, line 3, after “YEAR” by inserting “IMMEDIATELY PRECEDING THAT YEAR”.

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

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

The motion prevailed.

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. 910, entitled

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

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

Roll Call No. 813

Yeas—106

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

Nays—2

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

“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,”

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

Senate Bill No. 909, entitled

A bill to amend 1975 PA 228, entitled “Single business tax act,” (MCL 208.1 to 208.145) by adding section 35f. The bill was read a second time.

Rep. Sheen moved to amend the bill as follows:

1. Amend page 2, line 11, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.

The motion prevailed and 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. 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. 909, entitled

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

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

Roll Call No. 814

Yeas—106

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

Cushingberry	Kahn	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	Leland		

Nays—2

Bennett	Smith, Alma
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In The Chair: Kooiman

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

“An act to provide for the 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,”

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.

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5459, entitled**

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

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.

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 substitute (S-1) made to the bill by the Senate,

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

1. Amend page 3, line 3, after “**SUBSECTION**” by striking out “**(3)**” and inserting “**(4)**”.
2. Amend page 4, line 2, after “**SECTION,**” by inserting “**“FACILITY,”**”.
3. Amend page 4, line 2, after “**TAXES’**” by inserting a comma.

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

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

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

Roll Call No. 815**Yeas—106**

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak

Anderson	Gaffney	Marleau	Schuitmaker
Angerer	Garfield	Mayer	Shaffer
Ball	Gillard	McConico	Sheen
Baxter	Gleason	McDowell	Sheltrown
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	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	Leland		

Nays—2

Bennett Smith, Alma

In The Chair: Kooiman

The House agreed to the full title of the bill.

House Bill No. 4982, 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 amended the bill as follows:

1. Amend page 1, line 2, after “**2007**,” by inserting “**FOR TAXES LEVIED AFTER DECEMBER 31, 2005**,”.
2. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.
3. Amend page 2, line 19, by striking out all of subsection (6) and renumbering the remaining subsection.

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

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

Rep. Ward moved that Rule 45 be suspended.

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

The question being on concurring in the amendments 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. 816

Yeas—106

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak

Anderson	Gaffney	Marleau	Schuitmaker
Angerer	Garfield	Mayes	Shaffer
Ball	Gillard	McConico	Sheen
Baxter	Gleason	McDowell	Sheltrown
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	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	Leland		

Nays—2

Bennett Smith, Alma

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.

House Bill No. 5460, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.

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

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

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,

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

Roll Call No. 817

Yeas—106

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak
Anderson	Gaffney	Marleau	Schuitmaker

Angerer	Garfield	Mayes	Shaffer
Ball	Gillard	McConico	Sheen
Baxter	Gleason	McDowell	Sheltrown
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	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	Leland		

Nays—2

Bennett Smith, Alma

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.

House Bill No. 5461, entitled

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

The Senate has amended the bill as follows:

1. Amend page 2, line 12, after “**TREASURER**” by striking out “**SHALL**” and inserting “**MAY**”.

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

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

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,

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

Roll Call No. 818**Yeas—106**

Accavitti	Espinoza	Lemmons, III	Robertson
Acciavatti	Farhat	Lemmons, Jr.	Rocca
Adamini	Farrah	Lipsey	Sak
Anderson	Gaffney	Marleau	Schuitmaker
Angerer	Garfield	Mayes	Shaffer

Ball	Gillard	McConico	Sheen
Baxter	Gleason	McDowell	Sheltrown
Bieda	Gonzales	Meisner	Smith, Virgil
Booher	Gosselin	Meyer	Spade
Brandenburg	Green	Miller	Stahl
Brown	Hansen	Moolenaar	Stakoe
Byrnes	Hildenbrand	Moore	Steil
Byrum	Hood	Mortimer	Stewart
Casperson	Hoogendyk	Murphy	Taub
Caswell	Hopgood	Newell	Tobocman
Caul	Huizenga	Nitz	Vagnozzi
Cheeks	Hummel	Nofs	Van Regenmorter
Clack	Hune	Palmer	Vander Veen
Clemente	Hunter	Palsrok	Walker
Condino	Jones	Pastor	Ward
Cushingberry	Kahn	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	Leland		

Nays—2

Bennett Smith, Alma

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.

Second Reading of Bills

Senate Bill No. 236, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

The bill was read a second time.

Rep. Hummel moved to substitute (H-1) the bill.
The motion prevailed and the substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Stakoe moved to amend the bill as follows:

1. Amend page 21, following line 12, by inserting:
“Sec. 155. DEPARTMENT OF STATE POLICE
(1) APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	0
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	0
Total federal revenues		0
Total local revenues		0

Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 0

(2) DEPARTMENTWIDE APPROPRIATIONS

Public safety grants to counties for 2006 superbowl and 2005 major league baseball all-star games appropriated by 2005 PA 200.....	\$ (1,000,000)
Public safety grants to Oakland and Macomb counties for 2005 major league baseball all-star game and superbowl XL security services	1,000,000
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ 0”

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 47, following line 1, by inserting:

“DEPARTMENT OF STATE POLICE

Sec. 1651. (1) From the funds appropriated in part 1A for public safety grants, the department shall establish procedures in order to reimburse Oakland and Macomb counties for security services expenditures each incurred for the 2005 major league baseball all-star game and for superbowl XL.

(2) This appropriation is established as a work project account with the funds being available for expenditure in fiscal year 2005-2006 for the purpose identified in subsection 1.”

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

Rep. Farhat moved to amend the bill as follows:

1. Amend page 23, following line 15, by inserting:

“Sec. 165. DEPARTMENT OF ENVIRONMENTAL QUALITY

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$ 35,000
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 35,000
Total federal revenues	0
Total local revenues	0
Total private revenues	0
Total state restricted revenues	35,000
State general fund/general purpose	\$ 0

(2) REMEDIATION AND REDEVELOPMENT

Little Black Creek site assessment: state match	\$ 35,000
GROSS APPROPRIATION.....	\$ 35,000

Appropriated from:

Special revenue funds:

Cleanup and redevelopment fund	35,000
State general fund/general purpose	\$ 0”

and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 47, following line 14 by inserting:

DEPARTMENT OF ENVIRONMENTAL QUALITY

“Sec. 1751. The appropriation in section 165 for the Little Black Creek site assessment is available for any incurred state obligation related to the federal study of the Little Black Creek watershed. These funds shall not lapse at the end of the fiscal year, and shall be available until the site assessment project is completed.”

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

Rep. David Law moved to amend the bill as follows:

1. Amend page 3, line 11, by striking out “250,000” and inserting “300,000”.

2. Amend page 3, line 12, by striking out “50,000” and inserting “100,000”.

3. Amend page 3, line 18, after “purpose” by increasing the amount by \$100,000 and adjusting the subtotals, totals, and section 201 accordingly.

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

Rep. Hune moved to amend the bill as follows:

1. Amend page 23, following line 15, by inserting:

“Sec. 165. DEPARTMENT OF LABOR AND ECONOMIC GROWTH

(1) APPROPRIATION SUMMARY

GROSS APPROPRIATION.....	\$ 170,000
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Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	0
ADJUSTED GROSS APPROPRIATION	\$ 170,000
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	170,000
State general fund/general purpose	\$ 0
(2) MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY	
Grant to great lakes community non-profit housing corporation	170,000
GROSS APPROPRIATION	\$ 170,000
Appropriated from:	
Special revenue funds:	
Michigan state housing development authority fees and charges	170,000
State general fund/general purpose	\$ 0

and adjusting the subtotals, totals, and section 201 accordingly.”.

The motion did not prevail and the amendment was not adopted, a majority of the members serving not 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.

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

Senate Bill No. 236, entitled

A bill to provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; and to provide for the expenditure thereof under the supervision of the director of the department of management and budget and the state administrative board.

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

Roll Call No. 819

Yeas—98

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

Caul	Jones	Palsrok	Walker
Cheeks	Kahn	Pastor	Ward
Clack	Kolb	Pavlov	Waters
Clemente	Kooiman	Phillips	Wenke
Condino	LaJoy	Plakas	Whitmer
Cushingberry	Law, David	Polidori	Williams
DeRoche	Law, Kathleen	Proos	Wojno
Dillon	Leland	Rocca	Zelenko
Donigan	Lemmons, III		

Nays—10

Drolet	Green	Newell	Robertson
Garfield	Hoogendyk	Pearce	Steil
Gosselin	Hune		

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 provide for a capital outlay program; to set forth the provisions for its implementation within the budgetary process; to make appropriations for planning and construction at state institutions and the acquisition of land; to provide for the elimination of fire hazards at the institutions; to provide for certain special maintenance, remodeling, alteration, renovation, or demolition of and additions to projects at state institutions; to provide for elimination of occupational safety and health hazards at state agencies and institutions; to provide for the award of contracts; to provide for expenditures under the supervision of the director of the department of management and budget and the state administrative board; to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal years ending September 30, 2005 and September 30, 2006; and to provide for the expenditure of the appropriations.

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.

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, December 9:

House Bill Nos. 5490 5491 5492 5493 5494

The Clerk announced that the following bills had been printed and placed upon the files of the members on Monday, December 12:

Senate Bill Nos. 927 928 929 930 931

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

Enrolled House Bill No. 4597 at 11:12 a.m.

Enrolled House Bill No. 4598 at 11:14 a.m.

Enrolled House Bill No. 4599 at 11:16 a.m.

Enrolled House Bill No. 5275 at 11:18 a.m.

Enrolled House Bill No. 5276 at 11:20 a.m.

Enrolled House Bill No. 5277 at 11:22 a.m.

Enrolled House Bill No. 4798 at 1:46 p.m.

Enrolled House Bill No. 4920 at 1:48 p.m.

Enrolled House Bill No. 4993 at 1:50 p.m.
Enrolled House Bill No. 5023 at 1:52 p.m.
Enrolled House Bill No. 5025 at 1:54 p.m.
Enrolled House Bill No. 5057 at 1:56 p.m.

The Clerk announced that the following Senate bills had been received on Tuesday, December 13:

Senate Bill Nos. 181 519 561 621 622 877

By unanimous consent the House returned to the order of

Messages from the Senate

House Bill No. 5438, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending sections 14i, 57, 57a, and 57e (MCL 400.14i, 400.57, 400.57a, and 400.57e), section 14i as amended by 2004 PA 571, section 57 as added by 1995 PA 223, section 57a as amended by 1999 PA 26, and section 57e as amended by 2001 PA 280, and by adding section 57w.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1) and agreed to the title as amended.

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

House Bill No. 5439, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57b (MCL 400.57b), as amended by 1999 PA 9.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-2).

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

House Bill No. 5440, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with

respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 57p.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1) and agreed to the title as amended.

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

House Bill No. 5441, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

The Senate has concurred in the House substitute (H-3) to the Senate substitute (S-2).

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

House Bill No. 5442, entitled

A bill to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," (MCL 400.1 to 400.119b) by adding section 57o.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-2).

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

Senate Bill No. 181, entitled

A bill to create the office of state poet laureate in the executive branch; to provide for the appointment and term of certain state officers; and to impose duties and responsibilities on certain state officers.

The Senate has passed the bill.

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

Senate Bill No. 519, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 1307a (MCL 600.1307a), as amended by 2004 PA 12.

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. 561, entitled

A bill to amend 1963 PA 17, entitled "An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when

participating in a mass immunization program approved by the department of public health,” by amending section 7 (MCL 691.1507), as added by 1987 PA 30.

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. 621, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding sections 20173a and 20173b; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 622, entitled

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

The Senate has passed the bill.

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

Senate Bill No. 877, entitled

A bill to establish safety and security practices for certain persons involved in the retail or wholesale sale or use of certain fertilizers; to provide certain powers and duties for certain state agencies; and to provide for immunity from liability under certain circumstances.

The Senate has passed the bill.

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that when the House adjourns today it stand adjourned until Wednesday, December 14, at 12:01 a.m. The motion prevailed.

Rep. Booher moved that the House adjourn.

The motion prevailed, the time being 11:59 a.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, December 14, at 12:01 a.m.

GARY L. RANDALL
Clerk of the House of Representatives

